

REVIEW COMMENT TABLE

Tlicho Government - Tlicho Fibre Optic Project - Type A Land Use Permit Application (W2021X0001) (WLWB)

File(s):	W2021X0001
Proponent:	Tlicho Government
Reviewer Comments Due By:	Mar 26, 2021
Proponent Responses Due By:	Apr 1, 2021
Documents:	Permit Application 526.9 KB Map 1.45 MB Engagement Record 78.09 KB Support Letters 848.48 KB Security Estimate Worksheet 134.19 KB Wildlife Management and Monitoring Plan Version 1.0 3.77 MB DRAFT Permit 352 KB GIS Data 90 KB
Item For Review Distributed On	Mar 5 at 09:02 Distribution List

Item Description

The Tlicho Government (TG or the Applicant) submitted a complete application for a type A land use permit (permit). The purpose of this Application is to build approximately 115 kilometres of transport fibre along the Tlicho All-Season Road (TASR) route to connect Whati to NorthwTel's fibre line. TG plans to use the existing workforce, equipment (except cable plow attachment on bulldozer), camp facilities, and environmental protection measures (including the adoption of management plans) for the TASR project (W2016E0004). TG provided the following with its Application:

- A Map;
- An Engagement Record;
- Support Letters;
- A completed Security Estimate Worksheet; and
- A Wildlife Management and Monitoring Plan (Version 1.0).

Using the Online Review System (ORS), reviewers are invited to submit comments and recommendations on the documents linked below by the review comment deadline specified. Reviewers may also wish to consider providing an overarching recommendation regarding whether the Board should approve the Application, to provide context for the comments and recommendations and assist the Board with its decision. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the Applicant prior to submitting comments and recommendations.

Preliminary Screening (Part 5 of the MVRMA): Under the Preliminary Screening Requirement Regulations, the Board must conduct a preliminary screening for a proposed development, unless it is exempt from preliminary screening in accordance with the Exemption List Regulations. Reviewers are encouraged to provide comments and recommendations (e.g., on impacts and mitigation measures) to assist with the Board's preliminary screening determination.


Draft Permit: A draft Permit has been developed by Board staff, using the MVLWB's current [Standard Land Use Permit Conditions Template](#), to allow reviewers to comment on possible conditions. These draft materials are not intended to limit in any way the scope of reviewers' comments. The Board is not bound by the contents of the draft Permit and will make its decision at the close of the proceeding on the basis of all the evidence and arguments filed by all parties.

Wildlife and Wildlife Habitat: Please be advised that comments made by reviewers regarding impacts of this project to wildlife and wildlife habitat in this preliminary screening will inform the GNWT Minister of Environment and Natural Resources' determination regarding whether a Wildlife Management and Monitoring Plan will be required for this Project as per section 95 of the *Wildlife Act*.

All documents that have been uploaded to this review are also available on our public Registry. If you have any questions or comments about the ORS or this review, please contact Board staff identified below.

Contact Information Anneli Jokela 867-765-4588 Jessica Pacunayen 867-765-4591 Roberta Judas 867-713-2500

Comment Summary

Tlicho Government (Proponent)				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment  TFOL Wildlife Monitoring and Management Plan (Version 2.0) Recommendation		
Fisheries and Oceans Canada: Triage Group Fisheries Protection Program				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response

1	Tlichio Government - Tlichio Fibre Optic Project - Type A Land Use Permit Application (W2021X0001) (WLWB)	<p>Comment Your proposal has been reviewed to determine whether it is likely to result in the death of fish by means other than fishing or the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the Fisheries Act; and, effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the Species at Risk Act.</p> <p>Recommendation Please review the DFO Interim Codes of Practice for End-of-Pipe Fish Screens (https://www.dfo-mpo.gc.ca/pnw-ppe/codes/screen-ecran-eng.html) for the most current end-of-pipe fish screen guidelines. Provided that your plans are implemented in the manner described, the the Fish and Fish Habitat Protection Program (the Program) is of the view that your proposal will not require an authorization under the Fisheries Act or the Species at Risk Act. Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. It remains your responsibility to remain in compliance with the Fisheries Act, avoid prohibited effects on listed aquatic species at risk, any part of their critical habitat or the residences of their individuals, and prevent the introduction of non-indigenous species. It is also your Duty to Notify DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat.</p>	<p>Apr 1: If our plans change or if other informaton comes to light, we will reach out to DFO to confirm that an Authorization is still not required.</p>	
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GNWT - Lands - North Slave Region: Brandon Bradbury

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Part A: Scope of Permit - 1. a) Installation of conduits and Fibre Optic Cable	<p>Comment This installation of conduits and fibre optic cables are not a triggered activity under section 4 and 5 of the <i>Mackenzie Valley Land Use Regulations</i> and must be removed from the Scope of the approved Land Use Permit.</p> <p>Recommendation "Installation of conduits and fibre optic cable" must be removed from the approved Land Use Permit.</p>	<p>Apr 1: "Installation of conduits and fibre optic cable" must be removed from the approved Land Use Permit.</p>	
2	Part A: Scope of Permit - 1. b) Horizontal Directional Drilling	<p>Comment Horizontal Directional Drilling in a scope of a permit can be too restrictive and therefore must be replaced with "Use of motorized earth-drilling machinery" as stated in Section 4(b)(1) of the <i>Mackenzie Valley Land Use Regulations</i>.</p> <p>Recommendation ~ ~Part A: Scope of Permit - 1. b) Horizontal Directional Drilling must be replaced with "Use of motorized earth-drilling machinery"</p>	<p>Apr 1: Part A: Scope of Permit - 1. b) Horizontal Directional Drilling must be replaced with "Use of motorized earth-drilling machinery"</p>	
3	Part A: Scope of Permit - 1. c) Use pre-existing camp and staging areas for equipment and materials	<p>Comment c) "Use pre-existing camp and staging areas for equipment and materials" must be removed from the scope of the approved land use permit since this activity is already being regulated under the authority of active land Use Permit W2016E0004.</p> <p>Recommendation Please remove 1. c) "Use pre-existing camp and staging areas for equipment and materials" from the scope of the approved land use permit.</p>	<p>Apr 1: Please remove 1. c) "Use pre-existing camp and staging areas for equipment and materials" from the scope of the approved land use permit.</p>	
4	Part A: Scope of Permit - 1. d) Use and storage of fuel	<p>Comment The use and storage of fuel is already regulated under the authority of active land use permit W2016E0004. The maximum amount of fuel will not be exceeded, and fuel</p>	<p>Apr 1: Please remove 1. c) "Use pre-existing camp and staging areas for equipment and materials" from the scope of the approved land use permit.</p>	


		<p>transfers will be conducted via: mobile re-fueling truck. As mentioned in the application, the approved spill contingency plan for W2016E0004 will also be followed during this proposed land use operation of installing a fibre optic cable.</p> <p>Recommendation 1. d) "Use and storage of fuel" must be removed from the scope of the approved land use permit since it is already regulated under active land use permit W2016E0004.</p>		
6	Part A: Scope of Permit - 1. f) Clearing of vegetation as required in the right of way	<p>Comment The clearing of vegetation within the 60 meter right of way corridor has already been assessed through an Environmental Assessment and is currently approved under the authority of active land use permit W2016E0004 and therefore must be removed from the scope of the approved land use permit.</p> <p>Recommendation 1. f) "Clearing of vegetation as required in the right of way" must be removed from the scope of the approved land use permit.</p>	Apr 1: 1. f) "Clearing of vegetation as required in the right of way" must be removed from the scope of the approved land use permit.	
8	Part C: 26(1)(b) Time - Condition #4 Initial Notification - Contact Inspector	<p>Comment The Resource Management Officer III phone number is (867)-767-9188</p> <p>Recommendation Please include the Inspectors phone number (867)-767-9188</p>	Apr 1: Please include the Inspectors phone number (867)-767-9188	
9	Part C: 26(1)(d) Methods and Techniques - Condition #8 Storage on Ice	<p>Comment This land use operation will be conducted during the summer months in 2021 and no winter activities will be conducted. The Tli-Cho highway is scheduled to open in September 2021 and the fibre optic line construction will be completed prior to this date. Therefore, this condition must be removed from the approved land use permit.</p> <p>Recommendation Since the condition "Storage on Ice" is typical for winter road activities it must be removed from the approved land use permit.</p>	Apr 1: Since the condition "Storage on Ice" is typical for winter road activities it must be removed from the approved land use permit.	
10	Part C: 26(1)(f) Control or Prevention of Ponding of Water, Flooding, erosion, Slides, and Subsidence of Land - Conditions #15, #16, #17, #18	<p>Comment The following Conditions: #15 Off-Road Vehicle Travel, #16 Prevention of Rutting, #17 Suspend Overland Travel, #18 Vehicle Movement Freeze-Up are all typical of Winter Road operations and do not apply to this land use permit application since all proposed activities are occurring during the summer months only. Therefore, all four (4) conditions mentioned above must be removed from the approved land use permit.</p> <p>Recommendation The following Conditions #15, #16, #17, #18 must be removed from the approved land use permit.</p>	Apr 1: The following Conditions #15, #16, #17, #18 must be removed from the approved land use permit.	
11	Part C: 26(1)(f) Control or Prevention of Ponding of Water, Flooding, erosion, Slides, and Subsidence of Land - Conditions #19, #20, #21	<p>Comment The following Conditions #19 Stream Banks, #20 Excavation and Embankments, #21 Equipment Watercourse Buffer are typical of quarrying and no quarrying activities were proposed in the complete application. Therefore, the above three (3) conditions must be removed from the approved land use permit.</p> <p>Recommendation Conditions #19, #20, #21 must be removed from the approved land use permit since they do not apply to the proposed activity of installing a fibre optic line.</p>	Apr 1: Conditions #19, #20, #21 must be removed from the approved land use permit since they do not apply to the proposed activity of installing a fibre optic line.	
12	Part C: 26(1)(j) Protection of Historical, Archaeological, and Burial Sites - Condition #35	<p>Comment The Resource Management Officer III phone number is (867)-767-9188 and must be included into part B of this condition.</p> <p>Recommendation Please include the Inspectors phone number into Condition #35.</p>	Apr 1: Please include the Inspectors phone number into Condition #35.	

13	Part C: 26(1)(j) Protection of Historical, Archaeological, and Burial Sites - Condition #33 Archaeological Buffer	Comment The Condition "Archaeological Buffer" must read the same as what is written in the approved Land Use Permit W2016E0004 to prevent restrictive distances to known archaeological sites near the project right of way. The condition should be written as follows: "The Permittee shall not operate any vehicle or equipment within atleast 30 meters of a known or suspected historical or archaeological site or burial ground. Where possible, the Permittee shall maintain a 150 meter distace from a known or suspected historical or archaeological site or burial ground" Recommendation The condition "Archaeological Buffer" must be changed as written above.	Apr 1: The condition "Archaeological Buffer" must be changed as written above.	
14	Part C: 26(1)(m) Fuel Storage - Conditions #38, #39, #40, #43, #44, #45, #46, #47	Comment The conditions #38, #39, #40, #43, #44, #45, #46, #47 are all conditions that are typically used for fuel tanks, or fuel caches and since no fuel caches or mobile fuel tanks were proposed in the application all of the above noted conditions must be removed from the approved land use permit. All of the above conditions along with the approved Spill Contengency Plan will be mitigated through Land Use Permit W2016E0004. Recommendation Conditions #38, #39, #40, #43, #44, #45, #46, #47 must be removed from the approved land use permit since they are authorized under land use permit W2016E0004.	Apr 1: Conditions #38, #39, #40, #43, #44, #45, #46, #47 must be removed from the approved land use permit since they are authorized under land use permit W2016E0004.	
15	Part C: 26(1)(p) Display of Permits and Permit Numbers - #58 Display Permit	Comment "Display Permit" Condition must be removed from the approved land use permit and "Copy of Permit" will mitigate any potential for concerns from arising. Recommendation The condition "Display Permit" must be removed from the approved land use permit.	Apr 1: The condition "Display Permit" must be removed from the approved land use permit.	

GNWT - Lands - North Slave Region: Cheryl Larocque

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment  TLICHO GOVT - W2021X0001 - LUPA COMMENTS - LETTER Recommendation		

Wek' eezhii Renewable Resources Board: Laura Meinert

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Tlicho Government - Tlicho Fibre Optic Project	Comment  Letter Attached Recommendation Letter Attached		
2	WMMP Submission to the WRRB	Comment As the Project is in Wek'èezhii, and as the Tli?cho? Government is a Party to the Tli?cho? Agreement, the Tli?cho? Government is required to submit the WMMP as a management proposal to the WRRB under section 12.5.1 of the Tli?cho? Agreement. The Board has its Rule for Management Proposals, which outlines the process, timelines and requirements for management proposal submissions. As stated in the Rule for Management Proposals, any management action which is implemented without being referred to the WRRB for its consideration may be invalid. Recommendation The WRRB recommends the WMMP be updated to include that it will be submitted to the WRRB for final approval. The WRRB also recommends their comments, as well as other comments received through submission of Version 1.0 of the WMMP to the WLWB, be incorporated into the WMMP before	Apr 1: Rev 2.0 of the WMMP (with required additions/amendments) has been attached to this response and should be submitted to WRRB for final review and approval.	

		it is submitted to the WRRB.	
3	Mitigation for Sensory Disturbance	<p>Comment Section 5.2 states that construction will be temporarily suspended when bison, moose, caribou or other wildlife are known to be near the active construction site. No specific minimum distance is listed.</p> <p>Recommendation To ensure safety of both wildlife and people, the WRRB recommends a clear minimum distance be defined where work will not occur if bison (or other wildlife) are in the vicinity. On a case-by-case basis work should be suspended even if animals are at a greater distance, if, for example, a large group of animals or suspected nursery groups are present.</p>	<p>Apr 1: The WMMP plan for the TASR Fiber Optic Line (TFOL) mirrors the approved TASR WMMP in that there is no established minimum distance defined between work activity, vehicular travel or site personnel and large mammals like bison and caribou. It is important to note that the Environmental Department was made aware of all groups of bison observed. Internal TASR processes dictated that if any bison were noted within close proximity (500m or less) of active work fronts, the Environmental Team would attend the area to ensure that no undue stress to the animals occurred. The TASR project progressed without any incidents and there were no occurrences where groups of bison were observed within 500m of active work areas during 2019 and 2020.</p>
4	Mitigations for Direct Wildlife Mortality	<p>Comment Section 5.3 states that bison, caribou or moose located near construction activities will be approached by vehicles to encourage them to leave the area. No minimum distance is described where vehicles must stop and cannot approach further. The WRRB is concerned that wildlife may be approached too closely and experience high levels of stress.</p> <p>Recommendation The Board recommends a distance be described where vehicles and personnel are not permitted to approach animals within that distance.</p>	<p>Apr 1: See above Apr 1: Additionally, the standard operating procedures for bison (wildlife) interactions on active access roads and/or the TASR were routinely highlighted during environmental trainings and in direct response to increases in bison sightings in given sections of the TASR. The standard operating procedure for wildlife encounters on the TASR was for all project personnel to slow down and stop no closer than 50m from the animal and honk the horn once/twice to encourage the animal to leave the active road platform. Depending on direction of travel (ie. bison moving away or towards vehicle) a vehicle could slowly approach to within 25m and honk again if the animal did not move after initial contact. If the animal was moving away, the vehicle was allowed to slowly move with the animal (maintaining a 25m separation) until the animal left the roadway. Though this was never required, if an animal did not move at all within 15 minutes, the Environmental Department was to be contacted to attend the location. TASR Management and Environment fully accepted any delays in traffic flow to minimize stress on animals. Additional requirements for the TASR WMMP (ie. radio contact to make others aware of large mammal presence) were also followed. It is proposed that this same operating procedure be used for the TFOL project without amendment to either the TASR or TFOL WMMP.</p>
5	Mitigations for Direct Wildlife Mortality	<p>Comment Section 5.3 also states that operations "may" be suspended if bison, moose, or caribou do not leave the area after being approached by vehicle, as nursery groups may have calves hidden nearby. The WRRB is concerned that this mitigation is not a firm rule and that there is a potential to harm calves or separate them from their mothers.</p> <p>Recommendation The WRRB recommends that during boreal caribou, moose and bison calving and post-calving periods (described in Table 3 of the WMMP), work be suspended every time females refuse to leave the area after being "gently encouraged" by the slow approach of Environmental Monitors.</p>	<p>Apr 1: Though this situation has not arisen during 2019 or the 2020 construction seasons, this recommendation, without amendment to either TASR/TFOL WMMP, will be adopted into the standard operating procedures of both the TASR project and TFOL project. As described in the TASR WMMP, if this incident were to occur, an Incident Report would be prepared and reported.</p>
6	Monitoring	<p>Comment While vegetation clearing is scheduled outside of bird nesting season, trenching activities are scheduled during bird nesting season, and these activities could damage or disrupt nesting.</p>	<p>Apr 1: Added Pre-Activity Bird Nest Sweep to Rev 2.0 WMMP</p>

		Recommendation The WRRB recommends bird nest monitoring be added to Section 6.0, to ensure nests directly underneath construction activities are protected.		
7	Reporting	Comment As per the Government of the Northwest Territory's WMMP Process and Content Guidelines, developers are required to submit wildlife sightings data to Environment and Natural Resource's Wildlife Management Information System (WMIS) on an annual basis at minimum. Recommendation The WRRB recommends Section 7.0 be updated to include reference to the WMIS and their reporting requirements.	Apr 1: Section 7.0 of the Rev 2.0 WMMP has been updated to include the ENR Wildlife Management Information System (WMIS) reporting requirement.	
WLWB: Jessica Pacunayen				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Project Timelines	Comment Section 16 of the Application states that the proposed Project is planned between May 2021 and November 2022 with no shutdowns planned. The project is also expected to be concurrent with the TASR project, which is expected to open November 2021. Recommendation Can TG confirm whether the proposed activities are expected to only occur during the summer while the TASR is being constructed? If not, will activities during the winter be required?	Apr 1: The permit timeline should be May 2021 to November 2022. It is expected that the fiber line will be installed along the TASR by the onset of winter. The only potential winter construction activity would occur within the Community of Whati` suspending fibre on utility poles.	
2	Timeline Implications	Comment As noted in the previous comment, the project is expected to be concurrent with the TASR project and will use the existing workforce, facilities (including camp, hazardous materials, fuel), and equipment. Recommendation If, for whatever reason, work could not occur concurrently with the TASR project (e.g., the TASR project ends before completion of the Fibre Line Project), how would this affect the TG's ability to use the TASR workforce, facilities, and equipment? What are the implications to TG's proposed security estimate (e.g., would TG be using all of TASR's camp, hazardous materials, fuel)? If there would be no changes, please explain.	Apr 1: The current plan is to complete the fiber line installation along the TASR before November 30, 2021. The only possible work that may continue after this date would be the suspension of the fiber line from utility poles in the Community of Whati and the "last mile" connections to individual households and businesses. That said, in the event that work on the fiber project will continue longer than the availability of the TASR work force, facilities and equipment, the Environmental Manager will seek amendments from the WLWB to existing permits/approvals in advance of their expiration to allow time for the resolution of permitting issues. In the event that permit issues can't be resolved to allow fiber installation work to continue, all work on the fiber project will halt until all necessary permits and approvals are in place.	