

EA03-028  
INAC Comments TOR



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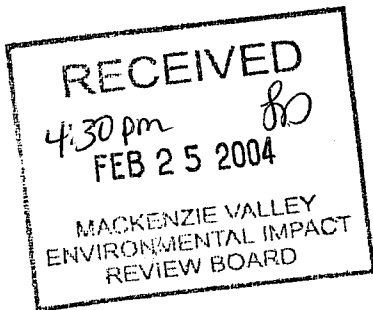
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Name - Nom <b>KIMBERLEY CLIFFE - PHILLIPS</b> <b>MACKENZIE VALLEY ENVIRONMENTAL IMPACT REVIEW BOARD</b>		<b>(6 Pages incl. this one)</b>	
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Please find attached a cover letter  
; INAC'S COMMENTS ON THE DRAFT TOR  
FOR THE MACKENZIE RIVER BRIDGE



*CARL*

Ms. Kimberley Cliffe-Phillips  
Mr. Alan Ehrlich

Mackenzie Valley Environmental Impact Review Board  
Box 938,  
200 Scotia Centre, (5102-50th Avenue),  
Yellowknife, NT  
X1A 2N7

Feb.25, 2004

Dear Ms. Cliffe-Phillips and Mr. Ehrlich

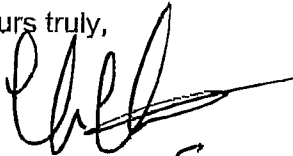
Indian, Northern Affairs Canada (INAC) are pleased to forward the following comments on the draft Terms of Reference (ToR) and Work Plan for the Deh Cho Bridge Corporation -- Mackenzie River Bridge -- Environmental Assessment.

The comments and recommended changes represent a summary of the respective Directorates in the NWT Region from Yellowknife.

Please confirm you have received all of the attachments by calling Chris Carthew at (867) 669-2616.

If you have any questions or require any clarification, please contact Lionel Marcinkoski or Eric Yaxley at (867) 669-2589.

Yours truly,



INAC -- E&C *For*  
Signed by L. Marcinkoski

## INAC Response on Mackenzie River Bridge EA Draft Terms Of Reference

### General Comments:

The Mackenzie River Bridge project was referred to the MVEIRB for Environmental Assessment under 125.1(a) based primarily upon a stated public concern that the development might have significant impacts of a socio-economic nature. This should not, however, exclude any further consideration of other potential significant impacts, including impacts on the environment as deemed appropriate by the Board (i.e. the EA Scope should be fully inclusive, covering all environment components of the project).

INAC is concerned the preliminary screening phase resulted in Q&As and Developer's Responses which were distributed to a very limited group. It is suggested the Board consult more broadly during the EA than was done during the Preliminary Screening to ensure all parties receive equal distribution of all findings.

INAC will be participating in this EA process as a Responsible Minister pursuant to the *Territorial Lands Act* and its subsequent *Regulations* since a large portion of the proposed development will be conducted on Crown Land. INAC may also have a role in this process as a Regulatory Authority if Federal permits for quarrying are required for the project.

### 1. Introduction:

In addition to the 19 organizations consulted during the Preliminary Screening Process will additional parties also be invited to participate in the EA process?

INAC suggests details and impacts of proposed changes by the developer from the Preliminary Screening vs. the EA phase be reviewed to determine how these have affected the ToR.

### 2. Scope of Development:

INAC requests the following components be included in the Scope of the Development:

- The location, construction and operations of the toll collection facilities;
- Additional infrastructure in support or connection to the bridge development/ project such as, but not limited to the proposed toll station, roadside pullout, parking areas for attendants and highway users, and any proposed highway realignments;
- The granular and blast rock locations plus their geochemical characterization; and
- The location, description and timetable of areas required for camp, storage, working area, concrete plant, etc. necessary to the project.

**3. Scope of Assessment:**

INAC does not agree that the public record of the Preliminary Screening "provide[s] sufficient material for the Review Board's EA consideration, in accordance with section 117 of the Mackenzie Valley Resource Management Act (MVRMA), with the exception of social and cultural impacts." In light of the acknowledgement and decision of the MVLWB to suspend its review, pending submission of all permits and licence applications, which may when reviewed have the potential to identify new issues or deficiencies of the development, it is recommended that the scope not be limited to analysis of "impacts to the NWT mining and exploration industry and other social and cultural impacts".

**4. Terms of Reference:**

**4.1 General Terms**

INAC, South Mackenzie District, requires additional information documented on the MVLWB public registry to properly assess the project and its development. The regulatory process to date has information gaps as noted by the MVLWB public registry that must be identified and addressed through this assessment.

**4.2 Specific Terms**

*A. Summary*

Section A-2 makes reference to an Executive Summary of the "EA Report" while A-1 refers to a "Developer's Assessment Report". Are these the same type of Assessment, or do they vary? If so, in what ways?

*B. Developer*

- B-1 In consideration that the Deh Cho Bridge Corporation is a new enterprise established specifically for the purposes of this project, and therefore has a short corporate history, it is suggested that clarification be provided on corporate stability, specifically with regards to providing security for government liability in the event of bankruptcy or other unforeseen failure of the company to complete the project.

Suggested details include the company structure, history and financial status (i.e. the financial ability of the project proponents to respond to accidents and malfunctions during construction and over the project life should also be considered). The proponents should clearly identify who is ultimately liable for the project.

- B-2 This section could be expanded to include any relationship/ agreements for the use of lands not presently held by the proponent, including what arrangements exist for default and liability.

Clarification should be provided as to which party will hold any licences or permits pertaining to the development?

*C. Development Description*

C-2 Additional information should be provided in this section regarding any required highway realignment activities as a result of the project.

C-4 Details should be included on the description of project operations, granular sources, and waste disposal locations.

Include projections for existing and/or future river traffic, including any potential access requirements resulting from this activity, as well as anticipated specifications for passage under the bridge, taking into account high water levels.

C-6 Do the proposed contingency plans include an alternative system of transport in the event that the bridge is closed to traffic for a long period of time due to infrastructural damage, etc?

The ToR should clarify whether accidents or malfunctions are just for the construction phase of the development, or will also take into account long term operations.

C-7 Describe the long term monitoring, maintenance and remediation plans for the life of the development.

C-9 Details on the toll collection facilities should be included in this section.

*D. Effects of the Physical Environment*

D-2 Other information in regards to effects on the physical environment should be addressed through the ToR:

- What is the effect of high water on the bridge?
  - How was the high water mark calculated and what data was used?
  - What is the length of hydrometric data and what is the associated Return Period for this high water mark?
- What is the effect of Ice and Ice Jamming on the bridge?
  - What methods were used to calculate potential ice depths and the associated force to the bridge?
  - What is the potential of Ice Jamming in this area of the Mackenzie River?
  - What is the potential of Ice Jamming as a result of the bridge?
  - What steps have been taken to reduce this potential?
- Have any delays been anticipated (e.g. late or lengthy break-up and freeze-up, ice jams, flooding)?
  - How will these delays effect bridge construction?
- What is the potential worst-case scenario for this project?

*F. Regulatory Regimes*

Include a summary of land ownership and the present state of each licence, permit and/or other authorization required for the project (i.e. the applicability of the Bridges Act).

- G. Public Consultation*  
G-1 Consultation should include industry and direct/indirectly affected communities of the North Slave Region.

- I. Human Environment*  
I-10 This section should further identify the ownership of relevant lands, and expand upon the area of potential impact to include the spatial and temporal boundary of the bridge.

- J. Physical and Biological Environment*  
J-4 INAC suggests that Hydrotechnical information continue to be a major component of this EA.

## **5. Assessment Process:**

### **5.4 Schedule**

The importance of a full and complete report from the Developer is paramount to a proper and thorough review. In particular, any and all deficiencies noted from the "Conformity Check and Deficiency Statement" should be addressed by the developer, and responses provided by the developer to the "Review Board IRs to the Developer" milestone prior to the "Open IRs to Developer" milestone phase.

The duration periods should be flexible to ensure milestones are adequately completed and not compromised.

In comparison to other EAs completed by the MVEIRB in 2003 and 2004, there appears to be insufficient allocated days to the scheduled milestones (i.e. Public Hearings, Closure of Public Registry period and the Review Board EA Decision).