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April 3, 2024

File: W2024S0003

Mark Cliffe-Phillips
Mackenzie Valley Review Board
200 Scotia Centre
Box 938, 5102-50th Avenue
Yellowknife NT X1A 2N7

Sent by email

Dear Mark Cliffe-Phillips,

Re: The Community Government of Behchokò – Notice of Preliminary Screening Determination – Application for Land Use Permit – Geotechnical Drilling– Behchokò, NT

The Wek'èezhì Land and Water Board (Board) met on April 3, 2024 and considered the Application Package from the Community Government of Behchokò for Type A Land Use Permit (Permit) W2024S0003 for the Behchokò Expansion Geotechnical Drilling Project (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board conducted a preliminary screening based on the public record for the proceeding. Based on the evidence provided, the Board is satisfied the screening has been completed according to section 125 of the MVRMA and has decided **not to refer** the Project to environmental assessment. The Board's Preliminary Screening Determination and Reasons for Decision, as required by section 121 of the MVRMA, is attached.

If the Board does not receive notice of referral to environmental assessment, it can proceed with issuance of Permit W2024S0003 on **Monday, April 15, 2024**.

The Board and staff look forward to continued communications throughout the pause period. Please contact Ryan Fequet via [email](mailto:ryan.fequet@wlwb.ca) or at (867) 765-4589 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mason Mantla', written in a cursive style.

Mason Mantla
Chair, Wek'èezhì Land and Water Board

BCC'd to: Wek'èezhì Distribution List
 Pusph Seth – Community Government of Behchokq
 Alex Packman - Community Government of Behchokq

Attached: Preliminary Screening Determination and Reasons for Decision



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Preliminary Screening Determination and Reasons for Decision

Land Use Permit Renewal Application	
File Number	W2024S0003
Company	The Community Government of Behchokò
Project	Behchokò Expansion Geotechnical Drilling
Location	Behchokò, NT
Activity	Geotechnical Drilling
Date of Decision	April 3, 2024

1.0 Decision

In accordance with subsection 124(1) of the [Mackenzie Valley Resource Management Act](#) (MVRMA), the Wek'èezhì Land and Water Board (WLWB or Board) met on April 3, 2024 to make a preliminary screening determination on the Application from the Community Government of Behchokò (CGB; the Applicant) for Land Use Permit W2024S0003 (Permit).¹ The Application is for the Behchokò Expansion Geotechnical Drilling Project in Behchokò, NT (the Project).²

The Board has decided not to refer the proposed Project to the Mackenzie Valley Environmental Impact Review Board (the Review Board) for Environmental Assessment because, based on the evidence, it is the

¹See WLWB Online Registry for [Loki Diamond Project - Land Use Permit Application - Cover Letter and Application Form - Feb 20 24](#)

² The Project is Behchokò Expansion Geotechnical Drilling which is the proposed development, where “development” is defined in Part 5 of the [MVRMA](#) as:

“any undertaking, or any part or extension of an undertaking, that is carried out on land or water and includes an acquisition of lands pursuant to the *Historic Sites and Monuments Act* and measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* or the establishment of a park under a territorial law.”

Board's opinion that the proposed changes to the Project is not likely to have a significant adverse impact on air, water, and/or renewable resources, and will not be a cause of public concern.

The Board's determination, including reasons for its decision, are detailed in sections [3.0](#) and [4.0](#).

2.0 Background and Scope of Screening

On March 1, 2024, the Community Government of Behchokò (the CGB) submitted a complete Type A Land Use Permit application to the Board for the Behchokò Expansion Geotechnical Drilling Project (the Project).³

In accordance with paragraph 125(1)(a) of the [MVRMA](#), the Board must conduct a preliminary screening of the proposed Project to determine and report to the Review Board whether, in its opinion, the proposed Project is likely to have a significant adverse impact on air, water, and/or renewable resources, or might be a cause of public concern. The details of the Board's analysis are set out in section [3.0](#) below.

2.1 Scope of Screening:

The purpose of the Project is to conduct geotechnical investigations to inform a future development expansion within the municipal boundary of the community of Behchokò. The Project involves clearing access trails, drilling approximately 30 boreholes, and installing at least two thermistors and four piezometers. Holes will be backfilled using drill cuttings and finished with bentonite clay and sand as required. Approximately five m³ of water per day will be used; water will be sourced from the community water supply. The drilling is expected to take ten days.

2.2 Public Record and Regulatory Proceeding

To assist the Board in its preliminary screening determination for the Project, Board staff distributed the Application and a draft Permit for public review on March 6, 2024 inviting reviewers to provide comments and recommendations on the Applications and the preliminary screening (e.g., on impacts and mitigation measures) using the Online Review System (ORS).⁴ Comments and recommendations were received by the deadline of March 20, 2024, and Applicant responses were received by the deadline of March 25, 2024.

Since there were no requests to extend the reviewer comment deadline, the Board is satisfied that a reasonable period of notice was given to affected communities and First Nations, as required by subsection 63(2) of the [MVRMA](#).

The Board is also satisfied that notice of the Application was provided to the Tłı̨chq Government and that a reasonable period of time was provided for the Tłı̨chq Government to make representations to the Board in accordance with section 63 of the [MVRMA](#).

³ See WLWB Online Registry for [Behchoko Expansion Geotechnical Drilling - Permit Application Package - Mar01_24](#)

⁴ See WLWB Online Review System for [Behchokò Expansion Geotechnical Drilling - Land Use Permit Application](#)

3.0 Potential Impacts and Proposed Mitigations

Table 1 below summarizes:

- the potential impacts of the proposed Project;
- the concerns that were identified during the regulatory proceeding and how the Applicant addressed those concerns;
- the proposed and potential mitigations for the potential impacts; and
- the Board’s analysis of the potential impacts and proposed mitigations.

Table 1: Potential Impacts and Proposed Mitigations for the Proposed Project

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board Analysis and Determination
Soil contamination and changes in water quality	Transfer, storage, and use of petroleum products and/or chemicals	<ul style="list-style-type: none"> • The Applicant has developed spill contingency and waste management plans to prevent spills and the release of waste. • The Board has standard permit conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ DRILLING NEAR WATER OR ON ICE ○ DRILLING WASTE ○ DRILLING WASTE DISPOSAL ○ DRILLING WASTE CONTAINMENT ○ WASTE CHEMICAL DISPOSAL ○ CHEMICALS ○ WASTE PETROLEUM DISPOSAL ○ WASTE MANAGEMENT ○ REPAIR LEAKS ○ FUEL STORAGE SETBACK ○ SECONDARY CONTAINMENT – REFUELING ○ FUEL CONTAINMENT ○ SPILL CONTINGENCY PLAN ○ SPILL RESPONSE ○ DRIP TRAYS ○ CLEAN UP SPILLS ○ REPORT SPILLS 	<p>No concerns were brought to the Board’s attention during the application public review period.</p> <p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a is not likely to have a significant adverse impact on air, water, and/or renewable resources, and will not be a cause of public concern</p>
Disturbance to ground, permafrost, vegetation	Use of Drills and Equipment	<ul style="list-style-type: none"> • Ground disturbance and clearing will be minimized by the use of existing access where possible, and by accessing the drill sites in frozen conditions where possible to prevent rutting and gouging. 	<p>No concerns were brought to the Board’s attention during the application public review period.</p>

		<ul style="list-style-type: none"> • Boreholes will be backfilled with drill cuttings, augmented with sand/clay as required. • The Board has standard permit conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ MINIMIZE AREA CLEARED ○ VEHICLE MOVEMENT FREEZE-UP ○ PREVENTION OF RUTTING ○ SUSPEND OVERLAND TRAVEL ○ FINAL CLEANUP AND RESTORATION 	Based on the described mitigations, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on air, water, and/or renewable resources, and will not be a cause of public concern
Wildlife Disturbance	Use of Drills and Equipment	<ul style="list-style-type: none"> • The Board has standard permit conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ HABITAT DAMAGE ○ GARBAGE CONTAINER 	<p>No concerns were brought to the Board's attention during the application public review period.</p> <p>Based on the described mitigations, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on air, water, and/or renewable resources, and will not be a cause of public concern</p>
Heritage Resources	Use of Drills and Equipment	<ul style="list-style-type: none"> • The Board has standard permit conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ ARCHAEOLOGICAL BUFFER ○ SITE DISTURBANCE ○ SITE DISCOVERY AND NOTIFICATION 	<p>No concerns were brought to the Board's attention during the application public review period.</p> <p>Based on the described mitigations, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on air, water, and/or renewable resources, and will not be a cause of public concern</p>

3.1 Consideration of Potential Impacts

Based on the potential impacts and proposed mitigations identified above in Table 1, the Board considered whether the Project might have a significant adverse impact on the environment. In general, impacts of the changes to the Project on the environment can be mitigated through the use of standard permit conditions and/or project-specific conditions established by the Board as per the LWB [Standard Process for Creating New Conditions](#). These conditions may include requirements for management and monitoring plans that provide detailed information regarding the implementation of mitigation measures and the evaluation of their effectiveness.

A draft Permit was circulated for review during the regulatory proceeding, and all Parties were given the opportunity to provide comments and recommendations on the draft conditions. In finalizing the conditions, the Board will consider all of the evidence provided through the regulatory proceeding.

3.2 Consideration of Public Concern

In addition to considering the potential impacts of the Project, the Board considered whether the Project might be a cause of public concern. Based on the evidence provided during the regulatory proceeding the Board did not identify any comments or issues that indicate that the Project is a cause of public concern.

4.0 Conclusion

The Board has reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed Project. Based on the evidence, it is the Board's opinion that the proposed Project is not likely to have a significant adverse impact on air, water, and/or renewable resources, and will not be a cause of public concern as set out in paragraph of the [MVRMA](#). The Board has therefore decided not to refer the proposed Project to Environmental Assessment. If the Board does not receive a notice of referral to environmental assessment by April 13, 2024 the Board can issue the Permit on Monday, April 15, 2024.



Mason Mantla, Chair
Wek'èezhìi Land and Water Board

April 3, 2024

Date