



7th Floor - 4922 48th Street
PO Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610
www.mvlwb.com

July 28, 2023

File: MV2020L8-0012

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: Pine Point Mining Limited – Notice of Preliminary Screening Determination – Amendment Application for Water Licence – Mineral Exploration – Pine Point, NT

The Mackenzie Valley Land and Water Board (Board) met on July 27, 2023, and considered the Application package from Pine Point Mining Limited (PPML) for Water Licence (Licence) MV2020L8-0012 for the Pine Point Confirmation and Exploration Program (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 changes to 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 will continue with the regulatory proceeding for the Amendment to Licence MV2020L8-0012 on **Tuesday August 8, 2023**.

The Board and staff look forward to continued communications throughout the pause period. Please contact Kathy Racher via [email](#) or at (867) 766-7457 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in blue ink that reads "Tanya MacIntosh". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Tanya MacIntosh
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Pine Point Mining Limited Distribution List
Andrew Williams, Pine Point Mining Limited

Attached: Preliminary Screening Determination and Reasons for Decision



7th Floor - 4922 48th Street
PO Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610
www.mvlwb.com

Preliminary Screening Determination and Reasons for Decision

Water Licence Application	
File Number	MV2020L8-0012
Company	Pine Point Mining Limited
Project	Confirmation and Exploration Program
Location	Pine Point, NT
Activity	Mineral Exploration
Date of Decision	July 27, 2023

1. Decision

In accordance with subsection 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA), the Mackenzie Valley Land and Water Board (MVLWB or Board) met on July 27, 2023 to make a preliminary screening determination on the amendment Application from Pine Point Mining Limited (PPML or Applicant) for Water Licence MV2020L8-0012 (Licence)¹ for the Pine Point Mineral Confirmation and Exploration Program (Project).

The Board has determined that some Project activities and/or areas are exempt from preliminary screening because they were previously screened. The Applicant has proposed new Project activities, as discussed in section 3.2, however, and the Board has decided not to refer the proposed changes to the Project to the Mackenzie Valley Environmental Impact Review Board (the Review Board) for Environmental Assessment because, based on the evidence, it is the Board's opinion that the proposed changes to the Project will not have a significant adverse impact on the environment or be a cause of public concern.

¹ See MVLWB Online Registry Pine Point Mining Limited – [Licence Amendment Application](#) – May19_23.

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

2. List of Defined Terms and Acronyms

Applicant	Pine Point Mining Limited
Application	The complete amendment application package submitted by the Applicant for Water Licence MV2020L8-0012.
ATDFN	Akaiitcho Territory Dene First Nations
Board	Mackenzie Valley Land and Water Board
DFO	Department of Fisheries and Oceans Canada
GNWT	Government of the Northwest Territories
GNWT-ECC	Government of the Northwest Territories – Environment and Climate Change
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
Minister	Minister of the Government of the Northwest Territories – Environment and Climate Change
NWTMN	Northwest Territory Métis Nation
ORS	Online Review System (www.new.onlinereviewssystem.ca)
Party	As per the LWB Rules of Procedures , an applicant, a person, or an organization participating in the regulatory proceeding for the Application.
Project	Pine Point Confirmation and Exploration Program, which is the proposed development (as defined in Part 5 of the MVRMA). ²
Review Board	Mackenzie Valley Environmental Impact Review Board
Standard Licence Conditions	LWB Standard Water Licence Conditions Template
Standard Permit Conditions	LWB Standard Land Use Permit Conditions Template

3. Background and Scope of Screening

3.1. Background

There is a long history of exploration and mining activities associated with Pine Point, NT, which is located approximately 65 km east of Hay River and west of Fort Resolution, respectively. Cominco Ltd. mined 52 zinc and lead deposits from 1964 to 1988. Two of the deposits were mined underground and the remaining 50 deposits were mined as open pits. Before the mine closed in 1988, Cominco Ltd. produced approximately 70 million tons of ore, with grades of 2.9% lead and 6.8% zinc. There was a mill and a town site at Pine Point, which were removed at the end of mining. The remaining Pine Point tailings impoundment area is currently being reclaimed by Teck Metals Ltd. under its Land Use Permit MV2019X0006 and Water Licence MV2017L2-0007.

² “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.”

On November 27, 2020 Pine Point Mining Limited (PPML) submitted Applications for Land Use Permit MV2020C0017 and Water Licence MV2020L8-0012 for a confirmation and exploration program at Pine Point, NT. They proposed to amalgamate all existing authorizations (Permits MV2017C00024, MV2018C0005, and Licence MV2020L2-0008). The new Licence and Permit were issued on December 8, 2021.

On May 19, 2023, PPML submitted an Application to amend Licence MV2020L8-0012.³ The requested changes to the Licence are:

- To amend the scope (Part A, Item 1) to include the use of existing ditches for the transfer of water and modification of ditch banks to direct and contain water;
- To add water sources (ditches) in the Water Withdrawal Plan Version 2.2;
- Update the definition of Drawdown (Part A) to “The partial removal of water from an existing Watercourse, pit lake, ditch or portion thereof, by pumping.”; and
- Amend Part D Condition 10 to reference 2021 rather than 2022.

An Engagement Record was included in the Application.⁴ PPML noted they engaged with the following Parties:

- Fort Resolution Métis Government;
- Kátł’odeeche First Nation;
- Northwest Territories Métis Nation (NWTMN);
- Denínu Kúé First Nation (DKFN);
- Deh Gáh Got’ie First Nation;
- Hamlet of Fort Resolution;
- Timberworks;
- Town of Hay River;
- North Slave Métis Alliance;
- Smith’s Landing First Nation;
- Teck Resources Limited;
- Town of Fort Smith; and
- West Point First Nation.

Engagement relating to the amendment Application commenced March 23, 2023 and concluded May 15, 2023. No issues and concerns were brought forth or identified in the submitted Engagement Record.

The amendment Application includes proposed changes to the Project. Under Part 1, Schedule 1, section 2.1 of the Exemption List Regulations to the MVRMA, project areas and activities that have already been subject to Part 5 of the MVRMA are exempt from preliminary screening. The new Project activities require screening by the Board in accordance with subsection 124(1) of the MVRMA.

³ See MVLWB Online Registry for [PPML – Amendment Application – Application Form – May 19 23](#); [PPML – Amendment Application – Cover Letter – May 23 23](#).

⁴ See MVLWB Online Registry for [PPML – Amendment Application – Engagement Log – May 17 23](#).

The Application do not include abandonment, decommissioning, or significant alterations to the Project.

In accordance with paragraph 125(1)(a) of the MVRMA, the Board must conduct a preliminary screening of the proposed changes to the Project to determine and report to the Review Board whether, in its opinion, the proposed changes to the Project might have a significant adverse impact on the environment or might be a cause of public concern. The details of the Board’s analysis are set out in section [4.0](#) below.

3.2. Scope of Screening

3.2.1. Previously Screened or Assessed Areas and Activities

The Project area that the Board understands to have been previously considered,⁵ and which therefore does not require preliminary screening at this time, are provided in Table 1 below and in the Project Area Map (see attachment).

Table 1: Mining Leases, Surface Leases, and Mineral Claims Previously Screened by the Board

Mining Leases	Surface Leases	Mineral Claims
<p>4858, 4859, 4860, 4861, 4862, 4863, 4864, 4865, 4866, 4867, 4868, 4869, 4870, 4871, 4872, 4873, 5239, 5240, 5241, 5242, 5243, 5244, 5245, 5246, 5247, 5248, 5249, 5250, 5251, 5252, 5253, 5254, 5255, 5256, 5257, 5258, 5259, 5260, 5261, 5262,</p>	<p>85B/11-15-2, 85B/11-16-2, 85B/11-18-2, and 85B/11-19-2</p>	<p>D1-K15913, D2-K15914, D3-K15915, D4-K15917, D5-K15916, D6-M10298; D7-M10297, D8-M10296, D9-M10299, D10-M10300, D11-M10301, D12-M10302, D13-M10303, D11-M10301, M10191, M10192, M10426, M10427, M10653, M10654, M10658, M10659, M10660, M10514, M10515, M10516, M10517, M10518, M10519, M10550, M10551, M10552, M10553, M10554, M10555, M10649, M10650, M10801, M10803, M10804, M10805, M10806, M10807, M10808, M10809, M10810, M10811, M10812, M10813, M10814, M10815, M10816, M10817, M10818, M10819, M10820, M10821, M10822, M10823, M10824, M10825, M10826, M10827, M10828, M10829, M10830, M10831, M10832, M10833, M10834, M10835, M10837, M10838, M10839, M10840, M10841, M10842, M10843, M10844, M10845, M10847, M10849, M10850, M10851, M10852, M10853, M10854, M10855, M10856, M10857, M10858, M10859, M10860, M10861, M10862, M10863, M10865, M10866, M10868, M10869, M10870, M10877, M10878, M10879, M10880, M10520, M10846, M10848</p>

Activities that the Board understands to have been previously considered,⁶ and which therefore do not require preliminary screening at this time, are listed below.

- Construction, operation, and maintenance of a camp;
- Confirmatory, exploration, definition drilling program;

⁵ See MVLWB Online Registry for [PPML – Notification – Preliminary Screening Determination - Sep1 22](#).

⁶ See MVLWB Online Registry for [PPML – Notification – Preliminary Screening Determination – Sep1 22](#); Pine Point Mining Limited – [Preliminary Screening and RFD](#) – Apr15_21.

- Withdrawal of Water for mineral exploration drilling, camp use, dust suppression, metallurgical testing, hydrogeological testing;
- Drawdown of surface Water pit lakes to nearby pit lakes or a nearby aquifer for hydrogeological testing;
- Drawdown of Groundwater from one aquifer to the same aquifer or a nearby aquifer for hydrogeological testing;
- Depositing of Waste Rock for bulk sampling;
- Construction, operation, and maintenance of temporary Watercourse crossings;
- Construction, operation, and maintenance of Sewage Treatment Plant;
- Depositing of Wastewater to Sewage Treatment Plant;
- Use and storage of fuel;
- Use of heavy equipment and vehicles;
- Construction, operation, and maintenance of trails, access roads and haul roads;
- Handling, use, and storage of explosives;
- Construction and operation of a Petroleum Hydrocarbon-Contaminated Soil Treatment Facility; and
- Progressive Reclamation and associated Closure and Reclamation activities.

The Board has updated the preliminary screening to align with the scope of the Licence and the updated activities as applied for in the amendment Application.

3.2.2. New Activities

The Applicant has not proposed changes to the Project area. The new activities proposed is:

- Use existing drainage ditches for the transfer of water for the purposes of hydrogeological testing;
- Construction (upgrade) of existing drainage ditch banks; and
- Include existing drainage ditches as a water source for the purposes of hydrogeological testing and exploration drilling.

3.3. Public Record and Regulatory Proceeding

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Application for public review on May 24, 2023, inviting reviewers to provide comments and recommendations on the Application and the preliminary screening (e.g., on impacts and mitigation measures) using the ORS. Comments were due June 29, 2023, with responses from the Applicant due July 14, 2023. The Board received comments and recommendations from DKFN, Government of the Northwest Territories – Environment and Climate Change (GNWT – ECC), Environment and Climate Change Canada (ECCC), and Department of Fisheries and Oceans Canada (DFO).⁷ Board staff also submitted comments and questions for the purposes of clarification.

⁷ See MVLWB Online Review System for [Pine Point Mining Limited – Pine Point - Confirmation and Exploration Program - Type A Water Licence Amendment](#) – Jul14_23.

There was a request by ECCC to extend the reviewer comment deadline from June 22, 2023 until June 29, 2023 which was granted. No extensions were requested by affected communities and First Nations. Therefore, 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. A notification about the Application was also distributed through *New North NWT* on June 5, 2023.⁸

Pursuant to Schedule 4.1 of the Northwest Territory Métis Nation (NWTMN) Interim Measures Agreement, the Board determined that written notice was given to the NWTMN and that a reasonable period of time was allowed for NWTMN to make representations with respect to the Application.

Pursuant to subsection 1.6, paragraphs (a) and (b) of the Akaitcho Territory Dene First Nations (ATDFN) Interim Measures Agreement, the Board determined that written notice was given to the ATDFN and that a reasonable period of time was allowed for ATDFN to make representations with respect to the Application.

4. Potential Impacts and Proposed Mitigations

Table 2 below summarizes:

- the potential impacts of the proposed changes to the 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.

⁸ See MVLWB Online Registry for Pine Point Mining Limited for [PPML – Amendment Application – Notice of Application – Newspaper – Jun5 23](#).

Table 2: Potential Impacts and Proposed Mitigations for the Proposed Changes to the 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
Destabilisation and Erosion	Ditch use	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> ○ Ditches will be inspected for suitability and possibly improved prior to use.⁹ ○ The effectiveness of repairs to the ditch banks will be confirmed prior to resuming pumping and will continue to be monitored during pumping.¹⁰ ○ A Sediment and Erosion Control Plan is being developed and will assist with these issues.¹¹ ○ Monitoring and mitigations that are proposed to limit total suspended solids (TSS) generation through erosion.¹² • The Board has a standard licence condition that is typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ EROSION CONTROL ○ CONSTRUCT AS DESIGNED – STRUCTURES ○ SPILL PREVENTION AND RESPONSE EQUIPMENT 	Based on the site history, comments and recommendations made by reviewers and the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.

⁹ See MVLWB Online Review System for [Pine Point Mining Limited – Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#) – DKFN Comments 5 and 6.

¹⁰ See MVLWB Online Review System for [Pine Point Mining Limited – Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#) – ECCC Comment 2.

¹¹ See MVLWB Online Review System for [Pine Point Mining Limited – Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#) – GNWT-ECC Comment 5; and DKFN Comment 17.

¹² See MVLWB Online Review System for [Pine Point Mining Limited – Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#) – GNWT-ECC Comment 12.

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
Drainage Patterns Changes	Ditch Use	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> ○ Project will use existing drainage ditches only. Some improvements to the ditches may be required prior to initiating pumping. • The Board has a standard licence condition that is typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ PRECAUTION TO PROTECT THE ENVIRONMENT ○ OBJECTIVE – CONSTRUCTION ○ CONSTRUCT AS DESIGNED – STRUCTURES • The Board has a standard permit condition that is typically used to mitigate the identified potential impacts. Standard conditions include: <ul style="list-style-type: none"> ○ NATURAL DRAINAGE 	<p>Based on the comments and recommendations made by reviewers and the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern.</p> <p>The Board’s opinion is based on the site history and the frequency and duration of using the ditch and that PPML will upgrade existing ditches where necessary to prevent changes to the drainage patterns. The Board also considered the effectiveness and reliability of the proposed mitigation measures, including the possible conditions.</p>
Water flow or level changes	Ditch use	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> ○ Water flow through the ditches will be monitored during water pumping, as described in the Water Management Plan. ○ Ditches will be monitored and have regular inspections to ensure that the water flow and water level stay consistent with the current levels, will stop pumping if this occurs and wait for the area to refill.¹³ • The Board has a standard licence condition that is typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ OBJECTIVE – CONSTRUCTION ○ WATER MANAGEMENT PLAN 	<p>Based on the comments and recommendations made by reviewers and the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern.</p> <p>The Board’s opinion is based on frequency and duration of using the ditch for the hydrological testing is relatively short. PPML will be upgrading existing ditches where necessary to prevent overtopping. The</p>

¹³ See MVLWB Online Review System for [Pine Point Mining Limited – Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#) – DKNF Comment 18.

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
		<ul style="list-style-type: none"> ○ SPILL CONTINGENCY PLAN ○ SPILL PREVENTION AND RESPONSE EQUIPMENT ○ CLEAN UP SPILLS 	Board also considered the effectiveness and reliability of the proposed mitigation measures, including the possible conditions.
Change in Groundwater quality	Hydrogeological Testing	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> ○ For a dry receiving pit, PPML would "interpolate the water quality of the pit using a broader existing dataset for the local region and/or collect well samples from available wells in the vicinity of the dry pit to establish the potential for compatibility. ○ Prior to any water transfer as part of the hydrogeological pump tests, PPML will undertake compatibility testing between the source and the receiving waters, which will indicate if the water can be transferred regardless of the aquifer.¹⁴ • The Board has a standard licence condition that is typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ OBJECTIVE – WASTE AND WATER MANAGEMENT ○ WATER AND WASTEWATER MANAGEMENT PLAN 	<p>Based on the comments and recommendation made by reviewers and the described mitigations, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern.</p> <p>The Board's opinion is based on the short duration and low frequency of the hydrogeological testing. The Board also considered the possibility of a dry pit in the Project area is relatively low. The Board also considered the effectiveness and reliability of the proposed mitigation measures, including the possible conditions.</p>
Changes in Surface Water Quality	Ditch use	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> ○ PPML will undertake water quality sampling prior to the pump testing to confirm water quality in the constructed ditches is compatible with the receiving waters.¹⁵ ○ Testing of water quality at the source and receiving locations is required by the Licence (SNP2 and 3). If differences between the two exceed the acceptable limits described in the Water Management Plan (such as due to erosion in the ditch), pumping will cease. ○ Develop Standard Operating Procedures for water quality monitoring 	<p>Based on the comments and recommendation made by reviewers and the described mitigations, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern.</p> <p>The Board's opinion is based on the site history and the frequency and duration of using the ditch. The use of monitoring,</p>

¹⁴ See MVLWB Online Review System for Pine Point Mining Limited – [Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#) – DKNF Comments 6 and 8.

¹⁵ See MVLWB Online Review System for Pine Point Mining Limited – [Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#) – GNWT-ECC Comment 12.

Potential Impact	Activity	<p align="center">Proposed Mitigations</p> <p align="center"><i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i></p>	Board Analysis and Determination
		<p>and response framework.¹⁶</p> <ul style="list-style-type: none"> ○ Water quality testing will be done at the inlet and outlet locations of the ditches.¹⁷ • The Board has a standard licence condition that is typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ EROSION CONTROL ○ EFFLUENT QUALITY CRITERIA ○ OBJECTIVE – PREVENT WASTE INTO WATER 	<p>sampling and associated framework and the effectiveness and reliability of the proposed mitigation measures, including the possible conditions.</p>
Direct Loss of vegetation	Ditch Alteration	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> ○ Some limited loss of secondary-growth vegetation along ditches may occur if ditch maintenance is required. Ditch maintenance will endeavor to avoid disturbing primary growth. ○ PPML will inspect constructed ditches and develop site-specific mitigation that may include alternative ditches or the installation of temporary barriers to maintain the conveyance of water without impacting the surrounding vegetation/habitat.¹⁸ • The Board has a standard licence condition that is typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ EROSION CONTROL 	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern.</p> <p>The Board’s opinion is based on the site history and the frequency and duration of using the ditch and that PPML will upgrade existing ditches where necessary to prevent disturbing primary growth areas. The Board also considered the effectiveness and reliability of the proposed mitigation measures, including the possible conditions.</p>

¹⁶ See MVLWB Online Review System for [Pine Point Mining Limited – Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#) – DKFN Comment 2.

¹⁷ See MVLWB Online Review System for [Pine Point Mining Limited – Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#) – DKFN Comment 21.

¹⁸ See MVLWB Online Review System for [Pine Point Mining Limited – Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#) – DKFN Comments 5 and 6.

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
Changes to migratory movement patterns	Ditch use	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> ○ Surveys for fish presence will be undertaken prior to and during pumping water through ditches. Fish exclusion measures will be installed if required, as described in the Water Management Plan. ○ Visual monitoring during pumping to track any lowering of water levels to confirm that water of fish-bearing pits/ditches do not approach levels where fish stranding will occur. Will stop withdrawing water prior to creating these situations.¹⁹ ○ If fish do end up stranded then a fish rescue will be completed, this would involve standard fish capture techniques appropriate for the habitat conditions at the site.²⁰ ○ Capture and relocate any fish trapped within an isolated/enclosed work area and safely relocate them to an appropriate location in the same waterbody²¹ ○ Inspect constructed ditches before testing to document habitat and describe mitigations if there are any obstructions or areas of erosion risk. Mitigations may include alternative ditches or installation of temporary barriers to maintain conveyance without impacting surrounding vegetation/habitat.²² ○ PPML will follow DFO’s letter of advice for the protection of fish.²³ • The Board has a standard licence condition that is typically used to mitigate the identified potential impacts. These standard conditions 	<p>Based on the comments and recommendation made by reviewers and the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern.</p> <p>The Board’s opinion is based on the site history and the frequency and duration of using the ditch and that PPML will monitor and stop pumping if fish are being stranded by water removal The Board also considered the effectiveness and reliability of the proposed mitigation measures, including the possible conditions.</p>

¹⁹ See MVLWB Online Review System for [Pine Point Mining Limited – Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#) – DFO Comment 1, GNWT-ECC Comment 12.

²⁰ P See MVLWB Online Review System for [Pine Point Mining Limited – Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#)– DFO Comment 2, GNWT-ECC Comment 12.

²¹ See MVLWB Online Review System for [Pine Point Mining Limited – Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#) – MVLWB staff Comment 5.

²² See MVLWB Online Review System for [Pine Point Mining Limited – Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#) – DKFN Comment 6.

²³ See MVLWB Online Review System for [Pine Point Mining Limited – Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#) – MVLWB staff Comment 1.

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
		include: <ul style="list-style-type: none"> ○ OBJECTIVE –WASTE AND WATER MANAGEMENT ○ WATER AND WASTEWATER MANAGEMENT PLAN • The Board has a standard permit condition that is typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ HABITAT DAMAGE 	
Impairment of the recreational or traditional uses of the land or water	Water Use	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> ○ Engagement with Indigenous groups on cabin locations to exclude waterbodies of significant to local communities.²⁴ • The Board has a standard permit condition that is typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ PRIVATE PROPERTY SETBACK ○ ENGAGEMENT PLAN ○ INCORPORATE SCIENTIFIC INFORMATION AND TRADITIONAL KNOWLEDGE ○ IDENTIFY TRADITIONAL KNOWLEDGE 	<p>Based on the comments and recommendation made by reviewers and the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern.</p> <p>The Board’s opinion is based on PPML’s commitment to engage with Indigenous groups. The Board also considered the effectiveness and reliability of the proposed mitigation measures, including possible conditions</p>

²⁴ See MVLWB Online Review System for [Pine Point Mining Limited – Pine Point – Confirmation and Exploration Program – Type A Water Licence Amendment](#) – DKFN Comment 28.

4.1 Consideration of Potential Impacts

Based on the potential impacts and proposed mitigations identified above in Table 2, the Board considered whether the changes to 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 licence conditions of two general types:

1. conditions in the existing Licence and Permit, including requirements for management and monitoring plans, with revisions where necessary; and
2. new or unique conditions that may be needed to mitigate potential impacts of the changes to the Project that may not be addressed by the conditions in the existing Licence, and which may be from the Board's standard conditions list or 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.

The conditions will be discussed in further detail by all Parties through the regulatory proceeding and will be finalized by the Board following completion of the regulatory proceeding.

4.2 Consideration of Public Concern

In addition to considering the potential impacts of the changes to the Project, the Board considered whether the changes to the Project might be a cause of public concern.

Based on the evidence provided during the regulatory proceeding thus far, the Board did not identify any comments or issues that indicate that the Project is a cause of public concern.

5. Conclusion

The Board completed a preliminary screening of the Project on April 13, 2021, and on September 1, 2022;²⁵ however, this amendment Application includes proposed changes to the Project. Accordingly, the Board has determined that Project activities that have already been subject to Part 5 of the MVRMA are exempt from preliminary screening under Part 1, Schedule 1, section 2.1 of the Exemption List Regulations to the MVRMA. The Board has conducted a preliminary screening of the proposed changes to the Project.

The Board has reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed changes to the Project. Based on the evidence, it is the Board's opinion that the proposed changes to the Project will not have a significant adverse impact on the environment or be a cause of public concern, as set out in paragraph 125(1)(a) of the MVRMA. The Board has therefore decided not to refer the proposed changes to the Project to Environmental Assessment and will resume the regulatory proceeding.

SIGNATURE



Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

July 28, 2023

Date

²⁵ See MVLWB Online Registry for [MV2020C0017 MV2020L8-0012 – PPML – Notification – Preliminary Screening Determination to Review Board – Apr15-21](#); [PPML – Notification – Preliminary Screening Determination – Sep1 22](#).