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Preliminary Screening Determination and Reasons for Decision

Issued pursuant to section 121 of the *Mackenzie Valley Resource Management Act* (MVRMA)

Land Use Permit Application Preliminary Screening	
Preliminary Screener	MVLWB
Reference/File Number	MV2021H0008
Company	Lutsel K'e Dene Lodges General Partner Inc.
Project	Fuel Storage near Lutsel K'e
Date of Decision	June 24, 2021

These Reasons for Decision set out the Mackenzie Valley Land and Water Board's (the Board or MVLWB) decision on the preliminary screening of a Type A Land Use Permit Application made by Lutsel K'e Dene Lodges General Partner Inc. to the Board between April 30 and May 12, 2021, inclusively, for Land Use Permit (Permit) MV2021H0008.

1.0 Project Summary

- April 30, 2021 – LUP Application received;
- May 5, 2021 – Additional information requested from Applicant;
- May 12, 2021 – Additional information received from Applicant;
- May 13, 2021 – Application distributed for public review;
- June 3, 2021 – Due date for public comments on the application;
- June 11, 2021 – Due date for the Applicant's response to comments.
- **June 24, 2021 – Application presented to the Board for decision**

Lutsel K'e Dene Lodges General Partner Inc. (Applicant) owns and operates a fishing and adventure lodge, located approximately two kilometres northeast of Lutsel K'e, in the northwest Territories. The lodge, which has been in existence since the 1960s, operates for approximately 200 person-days annually, June through August.

The Applicant is planning to replace its existing, single-walled, fuel -storage tanks with new double-walled tanks, commencing July 2021. It is anticipated that the new tanks will not only reduce the need for transporting fuel drums across the Great Slave Lake, from the community of Lutsel K'e, but will also create a safer environment for the community and Frontier Lodge's employees.

The Applicant currently stores 23,000 L of fuel at the project site using the following tanks: 1-18,000 L single - walled tank and 5 – 1,000 L interconnected day-tanks. The fuel is generally used to power two 60 KW generators.

The replacement tanks proposed will be capable of storing up to 43,500 L of fuel (26,500 L of diesel and 17,000 L of gasoline). The diesel will be stored in three 8,500 L double-walled tanks and one - 1,000 L day - tank while the gasoline will be stored in two 8,500 L double-walled tanks. As the proposed location for the fuel tanks is proximal to the lodge, a camp facility is not required to support the project.

The Equipment required to carry-out the project include 1 or 2 Loaders/forklifts, which will be transported by barge to and from the project site.

2.0 Scope of Preliminary Screening

2.1 Scope

- Installation of new Fuel Storage Tanks;
- Removal of existing Fuel Storage Tanks;
- Use of vehicles, equipment, and machines;
- Clearing of bush and trees; and

2.2 Principal Activities

- Removal of existing fuel Storage tanks
- Installation of new fuel storage tanks

2.3 Principal Development Component

- Clearing of Bush and trees
- Fuel Storage

2.4 NTS topographic map sheet number

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2.5 Latitude / longitude and UTM system

Latitude: 62.423639° Longitude: -110.709013° W

2.6 Nearest community and water body

Lutsel K'e and Great Slave Lake

2.7 Land Status

Freehold/Private Land.

2.8 Transboundary/Transregional Implications

None

3.0 Land Use Eligibility – Section 18 Mackenzie Valley Land Use Regulation

As per section 18 of the Mackenzie Valley Land Use Regulations (MVLUR), eligibility must be determined before the Board can issue a permit. It is noted that Lutsel K’e Dene Lodges (LKDL) General Partner Inc currently holds tenure for the property where the project will be undertaken.

Lutsel K’e Dene Lodges (LKDL) General Partner Inc. is therefore eligible for a permit under subparagraph 18(b): “...in any other case, has a right to occupy the land and either contracts to have the land-use operation carried out or is the person who is to carry out the operation.”

4.0 Public Review

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.

4.1 Preliminary Screener / Referring Body Information

The Type A Land Use Permit Application was distributed to the Distribution List for public review on the Board’s Online Review System (ORS). As part of the public review, comments and recommendations to assist with the Board’s preliminary screening determination were requested. The organizations notified through the distribution list are included in Appendix A, Table 1.

5.0 Potential Impacts and Mitigations Table

Potential Impacts <i>Use an “X” to indicate which apply</i>	X	Potential Project Impacts and Proposed Mitigations <i>Describe the potential impact(s) and the proposed measure(s) to reduce each of these impacts.</i>
ABIOTIC COMPONENTS		
Land		
Soil contamination	x	Frontier Lodge indicated that its project could negatively impact the land, animals and water if there was a substantial leak. To avoid this, it is replacing its entire fuel storage system with brand new smaller double walled tanks that are going to operate independently of each other. Fuel will no longer be hauled by 45 gallon drums in boats and ATV trailers.

Soil compaction		
Destabilization/erosion		
Change in soil structure		
Inability to support vegetation		
Other		
Water		
Groundwater		
Water table alteration		
Infiltration changes		
Changes in water quality		
Temperature changes		
Other		
Permafrost		
Loss or change in extent		
Changes in seasonal fluctuations		
Change in persistence		
Other		
Surface Water		
Potential Impacts <i>Use an "X" to indicate which apply</i>	X	Potential Project Impacts and Proposed Mitigations <i>Describe the potential impact(s) and the proposed measure(s) to reduce each of these impacts.</i>
Water flow or level changes (permanent, temporary, seasonal)		
Drainage pattern changes		
Temperature changes		
Changes in water quality		
Wetland impairment		
Changes to aquatic habitat (see Biotic section below)		
Other		
Air		
Changes in air quality		
Harm to living things		
Increased greenhouse gases		
Other		

BIOTIC COMPONENTS		
Vegetation		
Direct loss of vegetation	X	Frontier Lodge stated that it will be using existing trail systems to bring the new tanks on site – plus using an existing clearing but depending on the width of the tanks some trees / brush may need to be cleared. Any work will be completed on the Deeded portion of land.
Loss of Species at Risk or may-be-at-risk plants		
Change in species composition		
Introduction of non-native (invasive) species		
Effects on plant health (dust, metals, toxins)		
Increased risk of fire		
Compaction of vegetation		
Other		
Terrestrial Wildlife Habitat		
Direct loss or removal of habitat, dens, or nests		
Loss or removal of keystone species and/or Species at Risk habitat		
Fragmentation of wildlife corridor		
Direct injury or mortality		
Disturbances to key lifecycle stages: breeding, feeding, nesting, staging		
Effects on population abundance		
Change in species diversity		
Effects on wildlife health (toxins, metals, etc.)		
Changes to migratory movement patterns		
Changes to predator-prey relationships		
Human-wildlife conflicts		
Other		
Aquatic Habitat		
Potential Impacts <i>Use an "X" to indicate which apply</i>	X	Potential Project Impacts and Proposed Mitigations <i>Describe the potential impact(s) and the proposed measure(s) to reduce each of these impacts.</i>
Breeding disturbances		
Change in species diversity		
Effects on health (toxins, metals, sediment, etc.)		
Changes to migratory movement patterns		

Changes to predator-prey relationships		
Effects on population abundance		
Change in species diversity		
Other		
CULTURAL COMPONENTS		
Wildlife Harvesting		
Loss or reduction in game species populations		
Effects on traditional land use, subsistence, and harvesting rights		
Other		
Cultural Integrity and Heritage Resources		
Change to or loss of cultural integrity		
Change to or loss of traditional lifestyle		
Change to or loss of heritage resource		
Other		
Social and Economic Well-being		
Increased human health hazard and risk		
Economic opportunities or losses (employment, training)		
Change in ecological, cultural, social, or economic values identified for protection in approved Land Use Plans		
Impairment of the recreational or traditional uses of the land or water		
Impairment of the aesthetic quality of the land or water		
Changes to the use of the area by other non-Indigenous people (e.g. trappers, outfitters, residents, hunters, forest harvesters, other authorized projects)		
Other		

6.0 Preliminary Screening Decision

The Board is satisfied that the preliminary screening of Lutsel K'e Dene Lodges General Partner Inc.'s Application for Type A Land Use Permit MV2021H0008 has been completed in accordance with section 125 of the Mackenzie Valley Resource Management Act (MVRMA).

The Board is satisfied that communities and First Nations affected by the Application have been notified and provided adequate time to provide comment on the Application as required by land claim and self government agreements, the MVRMA, policy directions relating to Interim Measures Agreements, and any other applicable legislation and agreements.

Having reviewed all relevant evidence on the Public Registry, including the submissions of the Applicant, the written comments received by the Board and any Staff Reports prepared for the Board, the Board has decided that in its opinion:

- The proposed development will not have a significant adverse impact on the environment; and
- The proposed development is not a cause of public concern.

The Board is also of the opinion that the Application can proceed through the regulatory process and that any impacts of the development on the environment can be mitigated through the imposition of the terms and conditions in the Land Use Permit approved by the Board.

7.0 Conclusion

Land Use Permit MV2021H0008 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA and the Regulations made there under, and to provide appropriate safeguards in respect of Lutsel K'e Dene Lodges General Partner Inc. use of the land affected by the Permit.

SIGNATURE

Mackenzie Valley Land and Water Board



Mavis Cli-Michaud, Chair

June 24, 2021

Date

Appendix A

Table 1. Organizations included in the Distribution List for the Public Review of Type A Land Use Permit Application MV2021H0008

Akaitcho IMA Implementation Office	GNWT - MACA (Municipal and Community Affairs)
Bathurst Inlet Development Ltd.	GNWT - PPCA (Policy, Planning, Communications and Analysis (w/in ITI))
Bathurst Inlet Lodge	GNWT - PWNHC (Prince of Wales Northern Heritage Centre (w/in ECE))
Canadian Northern Economic Development Agency - NWT Region	GNWT - PWNHC (Prince of Wales Northern Heritage Centre (w/in ECE))
CIRNAC - Inspector	Golder Associates
CIRNAC-CARD	Hamlet of Fort Resolution
City of Yellowknife	Katlodeeche First Nation
Dene Nation	Lutsel K'e Dene First Nation - Chief or Wildlife, Lands and Environment
Deninu K'ue First Nation	Mackenzie Valley Environmental Impact Review Board
Det'on Cho Corporation	MVLWB
Environment and Climate Change Canada	North Slave Metis Alliance
Fisheries and Oceans Canada	Northwest Territory Metis Nation
Fort Resolution Metis Government	NWT & Nunavut Chamber of Mines
Forward Mining	NWT- OROGO
Ghotelnene K'odtineh Dene (Manitoba Denesuline)	Rover Metals Corp.
GNWT - ENR (Environment and Natural Resources)	Salt River First Nation
GNWT - ENR - EAM (Environmental Assessment and Monitoring)	Smith's Landing First Nation
GNWT - ENR - North Slave Region	Snap Lake Environmental Monitoring Agency (SLEMA)
GNWT - ENR - South Slave Region - Fort Smith	Tlicho Government
GNWT - Executive and Indigenous Affairs	Tlicho Government
GNWT - HSS (Health and Social Services)	Tlicho Lands Protection Department
GNWT - INF (Infrastructure)	Town of Hay River
GNWT - ITI (Industry, Tourism and Investment)	Wek' eezhii Renewable Resources Board
GNWT - Lands	West Point First Nation
GNWT - Lands - Hay River Region	WLWB
GNWT - Lands - North Slave Region	Wood PLC
GNWT - Lands - South Slave Region - Fort Smith	Yellowknives Dene First Nation