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October 28, 2022

File: MV2022I0013

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: Northwest Territories Power Corporation – Notice of Preliminary Screening Determination – Application for Land Use Permit – Powerlines – Taltson, Fort Smith, Pine Point, Fort Resolution, NT**

The Mackenzie Valley Land and Water Board (Board) met on October 27, 2022 and considered the Application from the Northwest Territories Power Corporation (NTPC) for Land Use Permit (Permit) MV2022I0013 for the Taltson Powerline Maintenance (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 MV2022I0013 on **Tuesday November 8, 2022**.

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

Yours sincerely,



Mavis Cli-Michaud

Chair, Mackenzie Valley Land and Water Board

BCC'd to: Akaitcho Distribution List  
Patrick Smith, NTPC

Attached: Preliminary Screening Determination and Reasons for Decision



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## Preliminary Screening Determination and Reasons for Decision

Land Use Permit Application	
<b>File Number</b>	MV2022I0013
<b>Company</b>	Northwest Territories Power Corporation
<b>Project</b>	Powerline right-of-way clearing and maintenance
<b>Location</b>	Taltson, Fort Smith, Pine Point, Fort Resolution, NT
<b>Activity</b>	Powerlines
<b>Date of Decision</b>	October 27, 2022

### 1.0 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 October 27, 2022 to make a preliminary screening determination on the Applications from Northwest Territories Power Corporation (NTPC) (Applicant) for Land Use Permit MV2022I0013 (Permit)<sup>1</sup> for the Taltson powerline right-of-way clearing and maintenance (Project).<sup>2</sup>

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 Board’s opinion that the proposed Project will not have a significant adverse impact on the environment or be a cause of public concern.

<sup>1</sup>See MVLWB Online Registry [[www.mvlwb.com](http://www.mvlwb.com)] for [NTPC - Taltson - New Type A LUP Application - Sep19 22](#)

<sup>2</sup>The Project is the Taltson Powerlines, 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.”

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

## 2.0 List of Defined Terms and Acronyms

Applicant	Northwest Territories Power Corporation
Application	The complete application package submitted by the Applicant for Land Use Permit MV2022I0013.
Board	Mackenzie Valley Land and Water Board
CRP	Closure and Reclamation Plan
EA	Environmental Assessment
ECCC	Environment and Climate Change Canada
GNWT	Government of the Northwest Territories
GNWT-ENR	Government of the Northwest Territories – Environment and Natural Resources
GNWT-Lands	Government of the Northwest Territories – Lands
GNWT-PWNHC	Government of the Northwest Territories Prince of Wales Northern Heritage Centre
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
Minister	Minister of the Government of the Northwest Territories – Lands (GNWT-Lands) Minister of Northern Affairs
ORS	Online Review System ( <a href="http://www.new.onlinereviewsystem.ca">www.new.onlinereviewsystem.ca</a> )
Project	Taltson Powerlines, which is the proposed development (as defined in Part 5 of the MVRMA). <sup>3</sup>
Review Board	Mackenzie Valley Environmental Impact Review Board
Standard Permit Conditions	MVLWB <a href="#">Standard Land Use Permit Conditions Template</a>

## 3.0 Background and Scope of Screening

NTPC submitted a complete application by September 19, 2022. The Application was distributed for review on September 19, 2022, with comments and recommendations due October 7, 2022 and October 14, 2022, respectively.

The purpose of this Application is to use of heavy equipment and machinery within the existing right-of-ways (ROW) for the purpose of clearing and maintenance, and to carry out an anchor assessment and drilling operation to identify the main cause(s) of anchor degradation along the power lines. This application is for the L150 transmission line running between Taltson Hydroelectric Facility to Pine Point, and for L350 transmission line running between Pine Point and Fort Resolution. The clearing and maintenance activities are planned to take place between Fort Smith and Forth Resolution (both L150 and L350), while the anchor assessment and drilling activities are planned to take place between Taltson Hydro

<sup>3</sup> “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.”

and Pine Point within the existing L150 ROW. NTPC anticipates completing the anchor assessment in winter 2022-23, while ongoing clearing will be conducted as needed over the 5-year term applied for.

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 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.

### **3.1 Scope of Screening:**

The work areas were previously disturbed by the construction and operation of the existing powerline infrastructure, though, NTPC did not provide evidence as part of the Application that the activities and locations applied for were previously assessed. The screening includes:

- Use of heavy equipment: Acker Renegade Drilling rig, 20 foot flat deck trailer, All-Terrain Vehicles, Bobcat excavator, D406ATR hydraulic derrick;
- Clearing rights-of-way of the L150 and L350 powerlines;
- Maintenance of L150 and L350 powerlines;
- Anchor assessment and drilling at select locations along the L150 and L350 powerlines as identified in the Application as problem areas 01-08 in figure 1.

### **3.2 Public Record and Regulatory Proceeding**

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Application and a draft Permit for public review on September 19, 2022, 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). Comments were due October 7, 2022, with responses from the Applicant due October 14, 2022. The Board received comments and recommendations from ECCC, GNWT-Lands, GNWT-ENR, and GNWT-PWNHC (attached).<sup>4</sup>

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.

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.

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<sup>4</sup> See MVLWB Online Registry for <https://new.onlinereviewssystem.ca/review/01ADF7EC-3F38-ED11-A27C-CC60C843DD3A>

#### **4.0 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	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ To avoid potential risk of soil contamination due to hydrocarbon spills, all equipment and trucks will be maintained in good working order and inspected regularly for hydrocarbon leaks.</li> <li>○ Drip trays will be deployed under all stationary equipment that use fuel, and all equipment and vehicles will be equipped with spill kits.</li> <li>○ There will be no fuel storage or cross-loading within the ROWs. Fueling of equipment shall not be conducted within the ROWs.</li> <li>○ Refueling of equipment will be conducted on roadway or designated areas containing spill contingency equipment and appropriate containment.</li> <li>○ All employees and contractors will be trained on the safe handling, transfers and dispensing of fuels and are required to go through an orientation session to familiarize themselves with the <i>Taltson Hydroelectric Facility Spill Contingency Plan</i>.</li> <li>○ All project personnel and staff are to follow the standard operating procedures and mitigation measures presented in <i>Taltson Hydroelectric Facility Spill Contingency Plan - August 2022</i> which includes the above mitigation measures.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include WASTE MANAGEMENT, REPAIR LEAKS, FUEL CACHE SECONDARY CONTAINMENT, FUEL CONTAINMENT, FUEL ON LAND, MAXIMUM FUEL ON SITE, SPILL CONTINGENCY PLAN, SPILL RESPONSE, DRIP TRAYS, CLEAN UP SPILLS, REPORT SPILLS, and FINAL CLEANUP AND RESOTRATION.</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>
Destabilization /erosion	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Temporary erosion and sediment control measures will be implemented prior to works commencing, this includes silt fencing or straw wattles in areas in which heavy equipment will be operated (for maintenance, brushing or anchor assessment activities). The measures will remain in place until the equipment has been removed from the area.</li> <li>○ Erosion and sediment control measures will be implemented in accordance with current</li> </ul>	<p>Adequate mitigation. 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 or be a cause of public concern.</p>

Potential Impact	Activity	<p align="center"><b>Proposed Mitigations</b></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>industry standards and best management practices.</p> <ul style="list-style-type: none"> <li>○ Damaged or non-functional erosion control measures will be repaired as soon as possible, or operations will cease until repairs are completed.</li> <li>○ Ground disturbance will be avoided where practical to reduce surface erosion processes, and areas with erodible soils will be stabilized following disturbances. Only the minimum amount of soil and vegetation necessary for the inspections and maintenance of the transmission poles/towers will be disturbed. No new roads will be created unless an existing road cannot be utilized.</li> <li>○ Where possible, topsoil will be segregated from subsoils and returned to cover disturbed areas to facilitate re-growth of vegetation.</li> <li>○ Salvageable timber from danger tree clearing activities that are not utilized by the end of the work period may be mulched onsite and incorporated into the site reclamation as cover material.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include PARALLEL WATERCOURSE SETBACK, WIDTH RIGHT-OF-WAY, PERMAFROST PROTECTION, NATURAL DRAINAGE, PROGRESSIVE EROSION CONTROL, REPAIR EROSION, EROSION AND SEDIMENTATION CONTROL PLAN, PREVENTION OF RUTTING, SUSPEND OVERLAND TRAVEL, STREAM BANKS, EQUIPMENT: WATERCOURSE BUFFER, EXCAVATION SETBACK, DRILLING NEAR WATER OR ICE, MINIMIZE AREA CLEARED, CLEARING SENSITIVE AREA, PRE CONSTRUCTION PROFILES, and FINAL CLEANUP AND RESTORATION.</p>	<p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>
Change in soil structure	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ To reduce changes to soil structure, operation of machinery when soils are highly saturated (primarily during freshet) will be avoided where possible. Where unavoidable, suitable ground equipment will be used to prevent unnecessary soil damage.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include WASTE MANAGEMENT, REPAIR LEAKS, FUEL CACHE SECONDARY CONTAINMENT, FUEL CONTAINMENT, FUEL ON LAND, MAXIMUM FUEL ON SITE, SPILL CONTINGENCY PLAN, SPILL RESPONSE, DRIP TRAYS, CLEAN UP SPILLS, REPORT SPILLS, FINAL</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p>



Potential Impact	Activity	<p align="center"><b>Proposed Mitigations</b></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
		CLEANUP AND RESOTRATION, PARALLEL WATERCOURSE SETBACK, WIDTH RIGHT-OF-WAY, PERMAFROST PROTECTION, NATURAL DRAINAGE, PROGRESSIVE EROSION CONTROL, REPAIR EROSION, EROSION AND SEDIMENTATION CONTROL PLAN, PREVENTION OF RUTTING, SUSPEND OVERLAND TRAVEL, STREAM BANKS, EQUIPMENT: WATERCOURSE BUFFER, EXCAVATION SETBACK, DRILLING NEAR WATER OR ICE, MINIMIZE AREA CLEARED, CLEARING SENSITIVE AREA, PRE CONSTRUCTION PROFILES, and FINAL CLEANUP AND RESTORATION	Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.
Groundwater - changes in water quality	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ There will be no fuel storage or cross-loading within the ROWs. Fueling of equipment shall not be conducted within the ROWs.</li> <li>○ Cleaning, refueling and maintenance of any equipment will be conducted in a designated areas away from any slopes and away from water bodies on impermeable pads (drip tray) or buried liners to allow full containment of spills</li> <li>○ Excavation activities required for the anchor assessment will be suspended during periods of heavy rain.</li> <li>○ No work will be completed within 100 m of any surface water body, including the removal of vegetation, until the appropriate ESC measures have been properly implemented.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include WASTE MANAGEMENT, REPAIR LEAKS, FUEL CACHE SECONDARY CONTAINMENT, FUEL CONTAINMENT, FUEL ON LAND, MAXIMUM FUEL ON SITE, SPILL CONTINGENCY PLAN, SPILL RESPONSE, DRIP TRAYS, CLEAN UP SPILLS, REPORT SPILLS, FINAL CLEANUP AND RESOTRATION, PARALLEL WATERCOURSE SETBACK, WIDTH RIGHT-OF-WAY, PERMAFROST PROTECTION, NATURAL DRAINAGE, PROGRESSIVE EROSION CONTROL, REPAIR EROSION, EROSION AND SEDIMENTATION CONTROL PLAN, PREVENTION OF RUTTING, SUSPEND OVERLAND TRAVEL, STREAM BANKS, EQUIPMENT: WATERCOURSE BUFFER, EXCAVATION SETBACK, DRILLING NEAR WATER OR ICE, MINIMIZE AREA CLEARED, CLEARING SENSITIVE AREA, PRE CONSTRUCTION PROFILES, and FINAL CLEANUP AND RESTORATION</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>
Surface water	Vegetation	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Buffer zones around riparian areas or waterways shall be established prior to clearing,</li> </ul>	Adequate mitigation. Based on the

<b>Potential Impact</b>	<b>Activity</b>	<p align="center"><b>Proposed Mitigations</b></p> <p align="center"><i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i></p>	<b>Board Analysis and Determination</b>
- changes in water quality	clearing, use of heavy equipment, drilling	<p>grubbing or stripping activities, and marked using fencing, stakes or flagging. The watercourse &amp; riparian buffer is 100 m of the ordinary high water mark of any watercourse, with the exception of locations where authorization has been granted to work within the 100 m setback</p> <ul style="list-style-type: none"> <li>○ No work will occur in or within 100 m of the water, including the removal of vegetation, until the appropriate ESC measures have been properly implemented.</li> <li>○ There will be no fuel storage or cross-loading within the ROWs. Fueling of equipment shall not be conducted within the ROWs.</li> <li>○ Cleaning, refueling and maintenance of any equipment will be conducted in a designated areas away from any slopes and away from water bodies on impermeable pads (drip tray) or buried liners to allow full containment of spills</li> <li>○ Work will stop if sedimentation issues occur outside of work areas until the cause of sedimentation is identified and properly addressed</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include WASTE MANAGEMENT, REPAIR LEAKS, FUEL CACHE SECONDARY CONTAINMENT, FUEL CONTAINMENT, FUEL ON LAND, MAXIMUM FUEL ON SITE, SPILL CONTINGENCY PLAN, SPILL RESPONSE, DRIP TRAYS, CLEAN UP SPILLS, REPORT SPILLS, FINAL CLEANUP AND RESOTRATION, PARALLEL WATERCOURSE SETBACK, WIDTH RIGHT-OF-WAY, PERMAFROST PROTECTION, NATURAL DRAINAGE, PROGRESSIVE EROSION CONTROL, REPAIR EROSION, EROSION AND SEDIMENTATION CONTROL PLAN, PREVENTION OF RUTTING, SUSPEND OVERLAND TRAVEL, STREAM BANKS, EQUIPMENT: WATERCOURSE BUFFER, EXCAVATION SETBACK, DRILLING NEAR WATER OR ICE, MINIMIZE AREA CLEARED, CLEARING SENSITIVE AREA, PRE CONSTRUCTION PROFILES, and FINAL CLEARUP AND RESTORATION</p>	<p>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.</p> <p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>
Changes in air quality	Vegetation clearing, use of heavy equipment,	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Reduce vehicle traffic from entering and leaving the Site and maintain a reduced speed within the site or work areas.</li> <li>○ Should dust be created during any activities within the ROW, then they will be suppressed using the appropriate method (i.e., addition of water to soils, tarps)</li> </ul>	Adequate mitigation. 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 or be a cause of

<b>Potential Impact</b>	<b>Activity</b>	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
	drilling	<ul style="list-style-type: none"> <li>○ Stockpiles will be covered with tarps and silt fences installed around work areas.</li> <li>○ Water will be applied daily to exposed soils and stockpiles during dry periods.</li> <li>○ Dust suppression techniques will be applied as required using the GNWT Guideline for Dust Suppression and the GNWT Erosion and Sediment Control Manual to minimize dust emissions on vegetation and habitat outside of right of way.</li> <li>○ Limit idling of vehicles</li> </ul>	<p>public concern.</p> <p>Adequate management practices have been committed to by the Applicant.</p>
Direct loss of vegetation	Vegetation clearing	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Minimize vegetation clearing to brushing and danger tree removal only.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include MINIMIZE CLEARED AREA, and CLEARING SENSITIVE AREA.</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>
Loss of Species at Risk or may-be-at-risk plants	Vegetation clearing	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Only the minimum amount of soil and vegetation necessary for the anchor inspections and maintenance of the transmission poles/towers will be disturbed.</li> <li>○ Vegetation will only be cleared from those areas necessary to obtain adequate working width and turning radius space for vehicles and equipment.</li> <li>○ Where possible, excavated topsoil will be segregated from sub-soils and returned to cover disturbed areas to facilitate re-growth of vegetation.</li> <li>○ No new roads will be created unless an existing road cannot be utilized.</li> <li>○ Adhere to a Wildlife Avoidance and Mitigation Plan.</li> </ul>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p>

<b>Potential Impact</b>	<b>Activity</b>	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
		<p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include MINIMIZE CLEARED AREA, and CLEARING SENSITIVE AREA.</p>	<p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>
<p>Introduction of non-native (invasive) species</p>	<p>Vegetation clearing, use of heavy equipment, drilling</p>	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Clean vehicles before entering site to avoid the spread of invasive and noxious plants.</li> <li>○ Check vehicles and equipment entering or leaving the project for dirt or plant propagules. Reclean vehicles that have travelled through a weed-infested area to minimize spread of noxious and invasive plants.</li> <li>○ Ensure cleaning locations are available on site to enable cleaning of vehicles. Dispose of plant fragments responsibly, ensuring they do not re-enter the environment.</li> <li>○ Remove non-native invasive species when observed to prevent the spread and establishment of such plant species.</li> </ul>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>Adequate management practices have been committed to by the Applicant.</p>
<p>Direct loss or removal of habitat, dens, or nests</p>	<p>Vegetation clearing</p>	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Minimize the area of vegetation cleared by limiting it to brushing and danger tree removal only.</li> <li>○ Buffer zones around riparian areas or waterways will be established prior to clearing, grubbing or stripping activities, and marked using fences, stakes or flags to ensure wildlife and vegetation in riparian areas are not disturbed.</li> <li>○ Wildlife and nest sweeps will be conducted before any brushing activities begin</li> <li>○ Adhere to a Wildlife Avoidance and Mitigation Plan.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include HABITAT DAMAGE, MINIMIZE CLEARED AREA, CLEARING SENSITIVE AREA, and MIGRATORY BIRD NEST DISTURBANCE.</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>

<b>Potential Impact</b>	<b>Activity</b>	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
Loss or removal of keystone species and/or Species at Risk habitat	Vegetation clearing	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Wildlife and nest sweeps will be conducted before any brushing activities begin</li> <li>○ Destruction of bat roosts will be avoided through gradual clearing of vegetation outside of active maternity roosting season (spring through fall). Any vegetation clearance within this timeframe must be preceded by a pre-clearing survey, and ‘no-work zones’ enforced where roosts are identified to avoid disturbance or destruction of roosts</li> <li>○ Avoid disturbing nests and eggs by completing work outside of the breeding bird season (Early May- Late August).</li> <li>○ If clearing or maintenance activities takes place within this timeframe, establish no-work zones with a buffer where there is evidence of nesting. A QEP will carry out non-intrusive checks for nests pre-clearing.</li> <li>○ Adhere to a Wildlife Avoidance and Mitigation Plan.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include HABITAT DAMAGE, MINIMIZE CLEARED AREA, CLEARING SENSITIVE AREA, and MIGRATORY BIRD NEST DISTURBANCE.</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>
Fragmentation of wildlife corridor	Vegetation clearing	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ The primary mitigation measure will be to leave uncleared vegetated strips (5-6ft in height) across the ROWs to block lines of sight down the corridor every 30 – 50 meters.</li> <li>○ Adhere to a Wildlife Avoidance and Mitigation Plan.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include MINIMIZE CLEARED AREA.</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included</p>

<b>Potential Impact</b>	<b>Activity</b>	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
			in the Permit.
Direct injury or mortality	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Wildlife and nest sweeps will be conducted before any brushing activities begin</li> <li>○ If an active mammal den is identified during surveys or during clearing or maintenance activities, work will be immediately stopped and GNWT-ENR will be contacted to determine subsequent steps.</li> <li>○ When travelling to and from work areas, limit vehicle wildlife collisions by reducing speed limit and giving animals the right-of-way. Vehicles encountering wildlife on roads are required to stop and radio communicate the presence of wildlife on the road(s) to the Environment Department and others in the area.</li> <li>○ Clear vegetation gradually, outside of active maternity roosting season (spring through fall) and bird nesting season (early May to late August) to minimize disturbance to bats and birds.</li> <li>○ Enforce a no-chase policy.</li> <li>○ Adhere to a Wildlife Avoidance and Mitigation Plan.</li> </ul>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>Adequate management practices have been committed to by the Applicant</p>
Disturbances to key lifecycle stages: breeding, feeding, nesting, staging	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Avoid activities within the ROW during sensitive periods for wildlife (e.g. breeding season) to ensure populations are not adversely affected at this time.</li> <li>○ Adhere to a Wildlife Avoidance and Mitigation Plan.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include HABITAT DAMAGE, MINIMIZE CLEARED AREA, CLEARING SENSITIVE AREA, and MIGRATORY BIRD NEST DISTRUBANCE.</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>

<b>Potential Impact</b>	<b>Activity</b>	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
Effects on population abundance	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Wildlife and nest sweeps will be conducted before any brushing activities begin</li> <li>○ Limit activities within the ROW to daylight hours only, to minimize disturbance to wildlife.</li> <li>○ Avoid activities with the ROW during sensitive periods for wildlife (e.g. breeding season) to ensure populations are not adversely affected at this time.</li> <li>○ Local wildlife populations may be monitored using a QEP.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include HABITAT DAMAGE and MINIMIZE CLEARED AREA.</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>
Change in species diversity	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Minimize the area of vegetation cleared by limiting it to brushing and danger tree removal only.</li> <li>○ Adhere to a Wildlife Avoidance and Mitigation Plan.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include HABITAT DAMAGE, MINIMIZE CLEARED AREA, CLEARING SENSITIVE AREA, and MIGRATORY BIRD NEST DISTRUBANCE.</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>

<b>Potential Impact</b>	<b>Activity</b>	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
Effects on wildlife health (toxins, metals, etc.)	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Use industry standards for fuel containment, storage, handling, and transport to avoid contamination to the environment.</li> <li>○ Equip all equipment and trucks with industry-standard emission control systems and spill kits.</li> <li>○ Train all staff in spill response procedures and use of emergency spill kits to minimize adverse effects to vegetation and wildlife habitat.</li> <li>○ Regularly maintain all equipment and trucks to ensure all are in good working order and free of leaks.</li> <li>○ Prohibit idling except where necessary for construction.</li> <li>○ Contact GNWT-ENR or the ECCC immediately if wildlife exposure to contaminants occur, who will determine the appropriate course of action.</li> <li>○ Adhere to a Wildlife Avoidance and Mitigation Plan.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include HABITAT DAMAGE, MINIMIZE CLEARED AREA, CLEARING SENSITIVE AREA, and MIGRATORY BIRD NEST DISTRUBANCE.</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>
Changes to migratory movement patterns	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Where large mammals (bison, caribou, moose) are observed in areas of hazards, suspend activities immediately to allow wildlife to move away.</li> <li>○ Observation of any caribou, moose, bison and other large mammals will be reported to the NTPC Project Monitor.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include HABITAT DAMAGE, MINIMIZE CLEARED AREA, CLEARING SENSITIVE AREA, and MIGRATORY BIRD NEST DISTRUBANCE., CLEARING SENSITIVE AREA, and MIGRATORY BIRD NEST DISTRUBANCE.</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant and</p>



<b>Potential Impact</b>	<b>Activity</b>	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
			standard conditions have been included in the Permit.
Changes to predator-prey relationships	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Avoid creating/ increasing straight-line distances via vegetation clearance, as this increases the ability for predators to predate on prey, thus potentially shifting predator-prey dynamics.</li> <li>○ Where possible, maintain habitat structural complexity by minimizing vegetation clearing.</li> <li>○ Adhere to a Wildlife Avoidance and Mitigation Plan.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include HABITAT DAMAGE, and MINIMIZE CLEARED AREA.</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>
Human-wildlife conflicts	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Complete the work outside of bird nesting season.</li> <li>○ Prohibit littering, feeding and interaction with wildlife.</li> <li>○ Collect and store all food and food waste in a manner inaccessible to furbearers and transport to approved facilities.</li> <li>○ Train all staff and site personnel in proper waste management practices for the Project to avoid wildlife attraction.</li> <li>○ Staff to communicate wildlife sightings by radio, who will relay sightings to Site Supervisors and equipment officers in the area.</li> <li>○ Adhere to a Wildlife Avoidance and Mitigation Plan.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include WASTE MANAGEMENT.</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant.</p>

<b>Potential Impact</b>	<b>Activity</b>	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
Aquatic habitat - effects on health (toxins, metals, sediment, etc.)	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ All machinery working will be in good working order and inspected for hydrocarbon leaks or abrasions on hydraulic lines that could develop into a leak.</li> <li>○ Equipment and vehicles not in use will be parked 100 m from high water mark and drip trays will be deployed underneath when not in operation</li> <li>○ Buffer zones around riparian areas or waterways will be established prior to clearing, grubbing or stripping activities, and marked using fences, stakes or flags to ensure wildlife and vegetation in riparian areas are not disturbed.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include WASTE MANAGEMENT, REPAIR LEAKS, FUEL CACHE SECONDARY CONTAINMENT, FUEL CONTAINMENT, FUEL ON LAND, MAXIMUM FUEL ON SITE, SPILL CONTINGENCY PLAN, SPILL RESPONSE, DRIP TRAYS, CLEAN UP SPILLS, REPORT SPILLS, FINAL CLEANUP AND RESOTRATION, PARALLEL WATERCOURSE SETBACK, WIDTH RIGHT-OF-WAY, PERMAFROST PROTECTION, NATURAL DRAINAGE, PROGRESSIVE EROSION CONTROL, REPAIR EROSION, EROSION AND SEDIMENTATION CONTROL PLAN, PREVENTION OF RUTTING, SUSPEND OVERLAND TRAVEL, STREAM BANKS, EQUIPMENT: WATERCOURSE BUFFER, EXCAVATION SETBACK, DRILLING NEAR WATER OR ICE, MINIMIZE AREA CLEARED, CLEARING SENSITIVE AREA, PRE CONSTRUCTION PROFILES, and FINAL CLEANUP AND RESTORATION</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>
Loss or reduction in game species populations	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Hunting, trapping, and fishing will be prohibited by all project staff and contractors.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include HABITAT DAMAGE, and MINIMIZE CLEARED AREA.</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p>

<b>Potential Impact</b>	<b>Activity</b>	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
			Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.
Change to or loss of heritage resource	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Prince of Wales Northern Heritage Centre (PWNHC) and/or Parks Canada will be notified upon accidental finds or discovery of any archaeological resources.</li> <li>○ If crews observe any cultural features (e.g. structural remains, human remains, concentrations of artifacts or identifiable subsurface features), they will stop work in the immediate area, leave in place, mark the location and contact PWNHC and/or Parks Canada</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include ARCHEOLOGICAL BUFFER, ARCHAEOLOGICAL OVERVIEW, and AIA-HIGH POTENTIAL.</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>
Changes to the use of the area by other non-Indigenous people (e.g., trappers, outfitters, residents, hunters, forest harvesters, other authorized projects)	Vegetation clearing, use of heavy equipment, drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> <li>○ Hunting, trapping, and fishing will be prohibited by all project staff and contractors.</li> </ul> <p>The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include ENGAGEMENT PLAN.</p>	<p>Adequate mitigation. 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 or be a cause of public concern.</p> <p>The areas of work were previously disturbed.</p> <p>Adequate management practices have been committed to by the Applicant and standard conditions have been included in the Permit.</p>

#### 4.1 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 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 MVLWB [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.

#### 4.2 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.

#### 5.0 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 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 Project to Environmental Assessment. If the Board does not receive a notice of referral to environmental assessment by Monday November 7, 2022, the Board can issue the Permit on Tuesday November 8, 2022.

SIGNATURE



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**Mavis-Cli Michaud, Chair**  
**Mackenzie Valley Land and Water Board**

October 28, 2022

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**Date**