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www.mvlwb.com

May 27, 2022

File: MV2022Q0003

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: Carter Industries Ltd. – Notice of Preliminary Screening Determination – Application for Land Use Permit – Quarry Operation - NWT Highway #4, km 44.5**

The Mackenzie Valley Land and Water Board (Board) met on May 26, 2022 and considered the Application from Carter Industries Ltd. (the Applicant) for Land Use Permit (Permit) MV2022Q0003 for the quarry operation off NWT Highway #4, km 44.5 (the Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board has determined that the Project is exempt from preliminary screening, because the Project was previously screened, and the Applicant has not proposed changes to the Project. The Board's Preliminary Screening Determination and Reasons for Decision, as required by section 121 of the MVRMA, is attached.

Please contact [Shelagh Montgomery](#) at (867) 766-7457 with any questions or concerns regarding this letter.

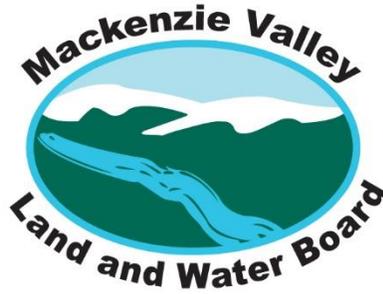
Yours sincerely,

A handwritten signature in blue ink, appearing to read "Mavis Cli-Michaud".

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

BCC'd to: Akaitcho Distribution List  
Shawn Carter, Carter Industries Ltd.

Attached: Preliminary Screening Determination and Reasons for Decision



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## Preliminary Screening Determination and Reasons for Decision

| Land Use Permit Application |                          |
|-----------------------------|--------------------------|
| File Number                 | MV2022Q0003              |
| Company                     | Carter Industries Ltd.   |
| Project                     | Quarry Operation         |
| Location                    | [NWT Highway #4, km 44.5 |
| Activity                    | Quarry                   |
| Date of Decision            | May 26, 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 (MLWB or Board) met on May 26, 2022 to make a preliminary screening determination on the renewal Application from Carter Industries Ltd (Carter)(Applicant) for Land Use Permit MV2022Q0003 (Permit)<sup>1</sup> for the quarry operation located off NWT Highway #4, km 44.5 (Project).<sup>2</sup>

The Board has determined that the Project is exempt from preliminary screening, because the Project was previously screened, and the Applicant has not proposed changes to the Project.

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

<sup>1</sup>See MLWB Online Registry [www.mvlwb.com](http://www.mvlwb.com) for Carter Industries Ltd – [Permit Application – Mar29\\_22](#)

<sup>2</sup> The Project is the quarry operation, 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."

## **2.0 Background and Scope of Screening**

On March 20, 2008, Carters received a Permit (MV2007Q0052) for the operation of a quarry at NWT Highway #4, km 44.5<sup>3</sup>. On March 19, 2015 Permit MV2007Q0052 expired while Carters were in the process of applying for a new permit to cover the activities. On April 23, 2015, the Board issued Permit MV2015Q0003 to Carters for the continued operation of the quarry including the use of equipment, vehicles and machinery. This permit expired on April 22, 2022.

### Description of Application

On March 29, 2022, Carters applied for the continued operation of the quarry site located at Highway #4, km 44.5. The longevity of the quarry operation is attributed to the size of the HR34 deposit.

The Applicant has not proposed changes to the Project, and under Schedule 1, section 2 of the Exemption List Regulations to the MVRMA, project areas and activities that have already been subject to Part 5 of the MVRMA, and for which no changes are proposed, are exempt from preliminary screening.<sup>4</sup>

The Project areas and activities that have already been subject to Part 5 are listed below. Further information about these Project areas and activities, and associated impacts and mitigations, is detailed in the Board's Preliminary Screening Determination, dated March 20, 2008<sup>5</sup>

### Previously Screened:

On March 20, 2008, Carters received a Permit (MV2007Q0052) for the operation of a quarry at NWT Highway #4, km 44.5. On March 19, 2015 Permit MV2007Q0052 expired while Carters were in the process of applying for a new permit to cover the activities. On April 23, 2015, the Board issued Permit MV2015Q0003 to Carters for the continued operation of the quarry including the use of equipment, vehicles and machinery. This permit expired on April 22, 2022.

### Activities:

- Operation of a quarry;
- Use of vehicles and machinery; and
- Use, operation and maintenance of all season access.

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<sup>3</sup> See MLWB Online Registry for Carter Industries Ltd. – [Preliminary Screening and RFD – March 20 2008](#).

<sup>4</sup> As per Schedule 1, section 2.1 of the [Exemption List Regulations](#), no preliminary screening is required for:

“A development, or a part thereof, for which a permit, licence or authorization is requested that

(a) was part of a development that fulfilled the requirements of the environmental assessment process established by the *Mackenzie Valley Resource Management Act*; and

(b) has not been modified since the development referred to in paragraph (a) fulfilled the requirements of the environmental assessment process established by the *Mackenzie Valley Resource Management Act*.”

<sup>5</sup> Ibid.

## **2.1 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 April 15, 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 May 6, 2022, with responses from the Applicant due May 11, 2022. The Board received comments and recommendations from Government of the Northwest Territories – Department of Lands (Inspector), Government of the Northwest Territories – Environment and Natural Resources and the Government of the Northwest Territories – North Slave Region (attached).<sup>6</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.

## **3.0 Potential Impacts and Proposed Mitigations**

Although the Board has determined that the Project is exempt from preliminary screening, the Board will consider the potential impacts and proposed mitigations in establishing the Permit conditions. For Board licences and permits in general, potential impacts can be mitigated through existing, standard, and/or project-specific licence and/or permit 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.

All Parties have had an opportunity to provide recommendations to the Board regarding draft conditions. In finalizing the conditions, the Board will consider these recommendations and all of the evidence provided through the regulatory proceeding.

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<sup>6</sup> See MLWB Online Registry for Carter Industries Ltd. – [Review Comment Summary Table – May6 2022](#).

### 3.1 Consideration of Potential Impacts

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 permit conditions of two general types:

1. conditions in the existing 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 Permit, and which may be from the Board's standard conditions list or 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.

### 3.2 Consideration of Public Concern

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

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

### 4.0 Conclusion

The Board completed a preliminary screening of the Project on March 20, 2008<sup>7</sup> and the Applicant has not proposed changes to the Project. Accordingly, the Board has determined that the Project is exempt from preliminary screening under Part 1, Schedule 1, section 2 of the Exemption List Regulations to the MVRMA. Consequently, no further preliminary screening was conducted.

SIGNATURE



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

May 27, 2022

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**Date**

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<sup>7</sup> See MLWB Online Registry for [Carter Industries Ltd. – Preliminary Screening and RFD – March20 2008](#)