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December 16, 2022

File: MV2022Q0020

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: Rowe's Construction – Notice of Preliminary Screening Determination – Renewal Application for Land Use Permit– Quarry Operation – NWT Highway #1, km 486.1**

The Mackenzie Valley Land and Water Board (Board) met on December 7, 2022 and considered the Application Package from Rowe's Construction (Rowes' for Land Use Permit (Permit) MV2022Q0020 for the Quarry Operation located at NWT Highway #1, km 486.1 (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board completed a preliminary screening of the Project on July 16, 2015,<sup>1</sup> and Rowe's Construction (Rowes) 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.

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.

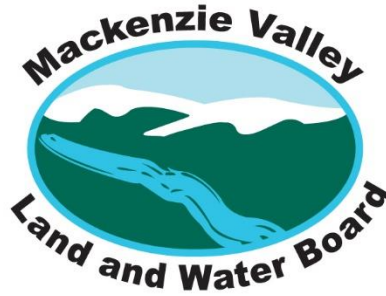
Yours sincerely,

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: Dehcho ORS Distribution List  
Owen Rowe – Rowe's Construction

<sup>1</sup> See MLWB Online Registry [www.mvlwb.com](http://www.mvlwb.com) for Rowe's Construction – [Preliminary Screening and RFD – July16\\_15](#)



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## Preliminary Screening Determination and Reasons for Decision

Land Use Permit Application	
File Number	MV2022Q0020
Company	Rowe's Construction
Project	Quarry Operation
Location	NWT Highway #1 km 486.1
Activity	Quarry
Date of Decision	December 7, 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 [date of Board meeting] to make a preliminary screening determination on the renewal Application from Rowe's Construction (Rowe's or Applicant) for Land Use Permit MV2022Q0020 (Permit)<sup>1</sup> for the Quarry Operation located at NWT Highway #1 at km 486.1 (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.

<sup>1</sup>See MLWB Online Registry [www.mvlwb.com](http://www.mvlwb.com) for Rowe's Construction – [Permit Application – Nov9 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."

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	Rowe’s Construction
Application	The complete application package submitted by the Applicant for Land Use Permit MV2022Q0020
Board	Mackenzie Valley Land and Water Board
EA/EIR	Environmental Assessment/Environmental Impact Review
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
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)
ORS	Online Review System ( <a href="http://www.new.onlinereviewssystem.ca">www.new.onlinereviewssystem.ca</a> )
Project	Quarry Operation, 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 Licence Conditions	MVLWB <a href="#">Standard Water Licence Conditions Template</a>
Standard Permit Conditions	MVLWB <a href="#">Standard Land Use Permit Conditions Template</a>

## 3.0 **Background and Scope of Screening**

On July 16, 2015, Rowes received a Permit (MV2015Q0007) for quarrying activities located along NWT Highway #1 km 486.1. This permit allowed for the quarrying of granular material and the use of equipment.

Two Inspection Reports were submitted by the GNWT – Lands Inspector. Both Reports note that no concerns were identified on site.

On July 15, 2022, the Permit expired.

On October 26, 2022, the Board received a renewal Application (MV2022Q0020) from Rowes for the continued operation of the quarry located off NWT Highway #1 at km 486.1. The quarry operation provides material for community needs. There will be no camp set up and no fuel stored on site. Refueling will be done by tidy tank. All waste will be taken back to the Village of Fort Simpson.

<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.”

On July 16, 2015, the Board completed a preliminary screening of Permit MV2015Q0007 which was for the following activities:

- Quarrying at a sand pit located at Highway #1 km 486.1; and
- Use of equipment, vehicles, and machines.<sup>4</sup>

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>5</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 July 16 2015<sup>6</sup>

### **3.1 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 November 10, 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 November 29, 2022, with responses from the Applicant due November 30, 2022. The Board received comments and recommendations from GNWT- ENR and GNWT – Lands (Inspector) (attached).<sup>7</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 MLWB Online Registry for Rowe's Construction– [Preliminary Screening and RFD – July16 22](#)

<sup>5</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>6</sup> Ibid.

<sup>7</sup> See MLWB Online Registry for Rowes Construction – [Review Comment Summary Table – Nov20 22](#).

Pursuant to section 27, paragraphs (a) and (b) of the Dehcho First Nations (DCFN) Interim Measures Agreement, the Board has determined that written notice was given to the DCFN, and that a reasonable period of time was allowed for DCFN to make representations with respect to the Application.

#### **4.0 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.

#### **4.1 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.

#### **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 completed a preliminary screening of the Project on July 16, 2015,<sup>8</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.

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.

SIGNATURE



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

December 16, 2022

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**Date**

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<sup>8</sup> See MLWB Online Registry for Rowe’s Construction– [Preliminary Screening and RFD – July16\\_15](#)