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www.mvlwb.com

November 21, 2022

File: MV2022X0017

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: Joint Venture Management Committee – Notice of Preliminary Screening Determination – Renewal Application for Land Use Permit – Miscellaneous – Dome Lake Camp, NT

The Mackenzie Valley Land and Water Board (Board) met on November 17, 2022 and considered the Application Package from Joint Venture Management Committee (JVMC) for Land Use Permit (Permit) MV2022X0017 for the Dome Lake Camp and Quarries (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board completed preliminary screenings of the Project in 2003, 2009 and 2013,¹ and JVMC has not proposed changes to the Project. Accordingly, the Board has determined that the Project (with the exception of the new Quarry Site) 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 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 addition of the Quarry Site to the Project as a whole to environmental assessment. The Board's Preliminary Screening Determination and Reasons for Decision, as required by section 121 of the MVRMA, is attached.

¹ See MLWB Online Registry www.mvlwb.com for JVMC – [Staff Report – Preliminary Screening Exemption Dec17 09; Preliminary Screening and RFD – Feb14 13](#); Review Board Online Registry (www.reviewboard.ca) for [Dome Lake Camp and Quarry OBD0304-001](#)

If the Board does not receive notice of referral to environmental assessment, it can proceed with issuance of Permit MV2022X0017 on **Friday, December 2, 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,

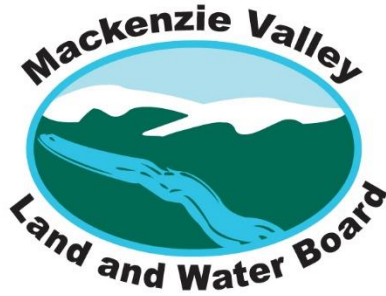


Mavis Cli-Michaud

Chair, Mackenzie Valley Land and Water Board

BCC'd to: Akaitcho and WLWB Distribution List
Barry Henkel, Joint Venture Management Committee
Willem Janse van Rensburg – Associated Engineering
Mike Weldon – Associated Engineering
Al Fitzgerald – Associated Engineering

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	MV2022X0017
Company	Joint Venture Management Committee
Project	Dome Lake Maintenance Camp and Quarries
Location	Dome Lake, NT
Activity	Miscellaneous
Date of Decision	November 17, 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 November 17, 2022 to make a preliminary screening determination on the renewal Application from Joint Venture Management Committee (JVMC)(Applicant) for Land Use Permit MV2022X0017 (Permit)¹ for the Dome Lake Maintenance Camp and Quarries (Project).²

The Board has determined that some Project activities and areas are exempt from preliminary screening, because they were previously screened. The Applicant has proposed new Project areas, however, and the Board has decided not to refer the proposed additional quarry to the overall Project to the Mackenzie Valley Environmental Impact Review Board (the Review Board) for Environmental Assessment because,

¹See MLWB Online Registry www.mvlwb.com for JVMC– [Permit Application](#) -Oct6_22

² The Project is the miscellaneous, 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.”

based on the evidence, it is the Board’s opinion that the proposed additional quarry to the overall are not likely to have a significant adverse impact on air, water, and/or renewable resources, and will not be a cause of public concern.

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

2.0 **List of Defined Terms and Acronyms**

Applicant	Joint Venture Management Committee
Application	The complete application package submitted by the Applicant for Land Use Permit MV2022X0017
Board	Mackenzie Valley Land and Water Board
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 (www.new.onlinereviewssystem.ca)
Party	As per the MVLWB Rules of Procedures , an applicant, a person, or an organization participating in the regulatory proceeding for the Application.
Project	Dome Lake Maintenance Camp and Quarries, which is the proposed development (as defined in Part 5 of the MVRMA). ³
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
Standard Licence Conditions	MVLWB Standard Water Licence Conditions Template
Standard Permit Conditions	MVLWB Standard Land Use Permit Conditions Template
TG	Tłı̨chǫ Government
WMP	Waste Management Plan

3.0 **Background and Scope of Screening**

- December 5, 2016 – Issuance of Permit MV2016X0032;
- October 6, 2022 – Renewal Application (MV2022X0017) received;
- October 11, 2022 – Renewal Application deemed complete and review commenced;
- October 31, 2022 – Comments and recommendations due and received;
- November 3, 2022 – Responses due and received;

³ “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.”

- **November 17, 2022 – Renewal Application presented to the Board for decision;**
- November 21, 2022 – End of the 42-day timeline; and
- December 4, 2022 – Expiration of Permit MV2016X0032.

In 2002, JVMC applied for a Land Use Permit (Permit) for the operation of the Dome Lake Camp along with a number of quarries along the route (MV2002X0031). That permit expired April 30, 2010. November 12, 2009 JVMC applied for a renewal of MV2002X0031 and was issued the Permit (MV2009X0047) on December 17, 2009. Permit MV2009X0047 expired on April 29, 2017. On December 6, 2016, JVMC received Permit MV2016X0032 which is set to expire December 4, 2021.

Over the years, JVMC has applied for a number of renewal applications and amendments which were to include additional quarries along the route to support the application.

The activities that are being applied for have been subject to previous preliminary screenings with the exception of an additional quarry along the route.

The 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 areas require screening by the Board in accordance with subsection 124(1) of the MVRMA.

In accordance with paragraph 125(1)(a) of the MVRMA, the Board must conduct a preliminary screening of the proposed additional of a quarry to the over all Project to determine and report to the Review Board whether, in its opinion, the proposed additional of a quarry 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.

3.1 Scope of Screening:

Previously Screened or Assessed Area and Activities:

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

- Use of equipment;
- Construction, maintenance and operation of a winter road;
- Construction, maintenance and operation of a camp;
- Maintenance and operation of site roads;
- Quarry Operations; and
- Use and Storage of fuel.

New Areas:

The new area being requested in an additional quarry. The activity of quarrying has been screened in previous authorizations.

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 October 11, 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 31, 2022, with responses from the Applicant due November 3, 2022. The Board received comments and recommendations from Tłıchǫ Government, GNWT – ENR (Environmental Assessment and Monitoring), GNWT – ECE (Prince of Wales Northern Heritage Centre), and GNWT – Lands (Inspector) (attached).⁴

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.

The Board is also satisfied that notice of the Application was provided to the Tłıchǫ Government (TG) and that a reasonable period of time was provided for the TG to make representations to the Board in accordance with section 63 of the MVRMA.

4.0 Potential Impacts and Proposed Mitigations

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 See MLWB Online Registry for JVMC– [Review Comment Summary Table – Nov3 22](#).

Table 1: Potential Impacts and Proposed Mitigations for the Proposed addition of a Quarry to the over all 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	Refuelling or Fuel Spill	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> ○ Spill Contingency Plan ○ Use of drip trays ○ Proper training for staff. • The Board has a standard permit that are typically used to mitigate the identified potential impacts. These standard conditions include:⁵ <ul style="list-style-type: none"> ○ Waste Petroleum Disposal ○ Waste Management ○ Repair Leaks ○ Fuel Storage Setback ○ Fuel Cache Secondary Containment ○ Secondary Containment – Refuelling ○ Fuel Containment ○ Fuel on Land ○ Seal Outlet ○ Spill Contingency Plan ○ Spill Response ○ Drip Trays ○ Clean Up Spills ○ Report Spills 	Based on the described mitigations, it is the Board staffs opinion that the proposed activities will not have a significant adverse impact on the environment be a cause of public concern.

⁵ See the MLWB Policies and Resources webpage to access the MVLWB [Standard Water Licence Conditions Template](#) and/OR MVLWB [Standard Land Use Permit Conditions Template](#).

Direct Loss of Vegetation	Clearing	<ul style="list-style-type: none"> The Applicant notes that quarry areas may require vegetation clearing. All clearing will only be done with explicit approvals from GNWT – Lands. 	Based on the described mitigations, it is the Board staffs opinion that the proposed activities will not have a significant adverse impact on the environment be a cause of public concern.
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4.1 Consideration of Potential Impacts

Based on the potential impacts and proposed mitigations identified above in Table 1, the Board considered whether the addition of a quarry to the Project is likely to have a significant adverse impact on air, water, and/or renewable resources. In general, impacts of the additional quarry to the Project 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.

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.

Below summarizes the activities that have been subject to preliminary screening:

- the potential impacts of the proposed additional quarry to the overall 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.

4.2 Consideration of Public Concern

In addition to considering the potential impacts of the additional of a quarry to the over all Project, the Board considered whether the additional of a quarry to the over all 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.

5.0 Conclusion

The Board completed a preliminary screening of the Project on December 5, 2016;⁶ however, the 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 additional quarry to the overall Project. Based on the evidence, it is the Board's opinion that the proposed additional quarry to the overall 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 additional quarry to the overall Project to Environmental Assessment. If the Board does not receive a notice of referral to environmental assessment by December 1, 2022 the Board can issue the Permit on Friday December 2, 2022.

SIGNATURE



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

November 21, 2022

Date

⁶ See MLWB Online Registry for JVMC– [Preliminary Screening and RFD](#) – December15_16