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November 6, 2023

File: MV2023L8-0002
MV2023L8-0003
PC2023L8-0002

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: Canadian Zinc Corporation – Notice of Preliminary Screening Determination – Applications for Water Licence – Prairie Creek All Season Road – Prairie Creek Mine to the Liard Highway, NT

The Mackenzie Valley Land and Water Board (Board) met on September 28, 2023 and considered the Application Packages from Canadian Zinc Corporation (CZN) for Water Licences (Licences) MV2023L8-0002, MV2023L8-0003, and PC2023L8-0002 for the Prairie Creek All Season Road Project (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA). The preliminary screening was conducted jointly with Parks Canada.

The Board conducted a preliminary screening based on the Applications; the previous preliminary screening conducted jointly by the Board and Parks Canada on August 8, 2019¹, the Mackenzie Valley Review Board's public record and Report of Environmental Assessment EA1415-01, dated September 12, 2017; and the Board's public record for the proceeding. The Board notes the following changes and updates made to the final scope of development as outlined in the Environmental Assessment and the preliminary screening conducted on August 8, 2019:

- Daily water use of up to 2,000 m³/day on non-federal lands, and up to 1,000 m³/day on land administered by Parks Canada.
- Inclusion of winter road construction as a purpose of water use for the Tetcela River on land administered by Parks Canada.
- Use of a helicopter to transport water from approved sources to work sites.

Based on the evidence provided, the Board and Parks Canada are satisfied the screening has been completed according to section 125 of the MVRMA and has decided **not to refer** the Project for additional assessment. The Preliminary Screening Determination and Reasons for Decision is attached, as required by section 121 of the MVRMA.

If the Board and Parks Canada do not receive notice of referral to environmental assessment, the regulatory proceeding for the Licences will proceed.

The Board and staff look forward to continued communications throughout the pause period. Please contact Kathy Racher via [email](#) or at (867) 766-7457 or Allison Stoddart via [email](#) or at (867) 695-7753 with any questions or concerns regarding this letter.

Yours sincerely,



Tanya MacIntosh
Chair, MVLWB

and

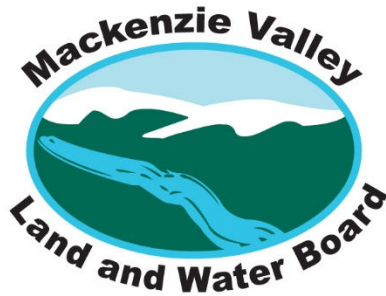


Jonathan Tsetso
Superintendent,
Nahanni National Park Reserve,
Parks Canada

BCC'd to: CZN Distribution List
Allison Stoddart, Parks Canada
Claudine Lee, CZN
David Harpley, CZN
Lynn Boettger, CZN

Attached: Preliminary Screening Determination and Reasons for Decision

¹ See MVLWB Online Registry for [MV2014F0013 – CZN – Preliminary Screening Determination – Aug 20 19](#).



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Preliminary Screening Determination and Reasons for Decision

Water Licence Applications	
File Number	Licence MV2023L8-0002, Licence MV2023L8-0003, Licence PC2023L8-0002
Company	Canadian Zinc Corporation
Project	All Season Road Project
Location	Prairie Creek Mine to the Liard Highway, NT
Activity	Miscellaneous
Date of Decision	September 28, 2023

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 September 28, 2023 to make a preliminary screening determination on the Applications from Canadian Zinc Corporation (CZN) (Applicant) for Water Licence MV2023L2-0002¹, Water Licence MV2023L2-0003², and Water Licence PC2023L2-0002³ for the Prairie Creek All Season Road (ASR) Project (Project). The preliminary screening was conducted jointly with Parks Canada.

The Board has determined that Project areas and some activities are exempt from preliminary screening because they were previously screened or underwent an Environmental Assessment (EA). The Applicant has proposed new Project activities, however, and the Board and Parks Canada has decided not to refer the proposed changes to the Project to the Mackenzie Valley Environmental Impact Review Board (the Review Board) for Environmental Assessment (EA) because, based on the evidence, it is the Board and

¹ See MVLWB Online Registry for [CZN – All Season Road – New Type A Licence Application \(non-federal\) – June 13 23](#).

² See MVLWB Online Registry for [CZN – All Season Road – New Type A Licence Application \(federal\) – June 13 23](#).

³ See MVLWB Online Registry for [CZN – ASR – Type A Licence Application – June 13 23](#).

Parks Canada’s opinion that the proposed changes to the Project will not have a significant adverse impact on the environment or 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**

ADKFN	Acho Dene Koe First Nation
ASR	All Season Road
Applicant	Canadian Zinc Corporation
Applications	The complete application package submitted by the Applicant for Water Licence MV2023L8-0002, MV2023L8-0003, and PC2023L8-0002.
Board	Mackenzie Valley Land and Water Board
CIRNAC	Crown Indigenous Relations and Northern Affairs Canada
CRP	Closure and Reclamation Plan
DFO	Department of Fisheries and Oceans
EA	Environmental Assessment
ECCC	Environment and Climate Change Canada
GNWT	Government of the Northwest Territories
GNWT-ECC	Government of the Northwest Territories – Environment and Climate Change
LKFN	Łı́ıdlı́ı Kúę First Nation
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
NDDDB	Nahąą Dehé Dene Band
ORS	Online Review System (www.new.onlinereviewssystem.ca)
Party	As per the LWB Rules of Procedures , an applicant, a person, or an organization participating in the regulatory proceeding for the Applications.
Project	Prairie Creek All Season Road Project, which is the proposed development (as defined in Part 5 of the MVRMA). ⁴
Review Board	Mackenzie Valley Environmental Impact Review Board
Standard Licence Conditions	LWB Standard Water Licence Conditions Template

⁴ “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.”

3.0 Background and Scope of Screening

Regulatory and Project History

In 2014, CZN submitted Applications to build an ASR between the Liard Highway and the Prairie Creek Mine.⁵ On May 22, 2014, the Board referred the ASR Project to the Review Board for Environmental Assessment.⁶ On September 12, 2017, the Review Board released the Report of EA and Reasons for Decision for the ASR Project (EA1415-01).⁷ On October 9, 2018 the Minister of Crown-Indigenous Relations, with agreement from all responsible ministers, adopted the recommendation of the Review Board, according to sub-paragraph 130(1)(b)(i) of the MVRMA.⁸

The ASR Project is for the construction, operation, deactivation, and closure of the road for transport of concentrates from Prairie Creek Mine to market, and delivery of operating supplies to Prairie Creek Mine. It crosses non-federal land, federal land (administered by Crown Indigenous Relations and Northern Affairs Canada (CIRNAC)), and lands within Nahanni National Park Reserve (NNPR) (administered by Parks Canada, under the *Canada National Parks Act*). As the section of the ASR that the Board regulates is split interest, three authorizations are required: two water licences (for federal and non-federal lands), and one land use permit (for both types of lands). A permit and licence are required for the sections of the ASR that Parks Canada regulates.

On February 20, 2019 CZN submitted a Post-EA Information Package to the Board and Parks Canada for the ASR Project, including two type A Permit Applications and three type B Licence Applications. The regulatory proceeding for the ASR Project was jointly held by the Board and Parks Canada, and included a technical session held from June 5-7, 2019. On August 9, 2019 the Board and Parks Canada conducted a joint preliminary screening on changes and updates made to the final scope of development outlined in the EA.⁹

The Board issued Licence MV2014L8-0006, Licence MV2019L8-0002, Permit MV2014F0013 on November 13, 2019. Parks Canada issued Permit PC2014F0010 and Licence PC2014L8-0006 on November 22, 2019. The authorizations allow CZN to construct, operate, deactivate, and close the ASR Road from the mine site to the Nahanni Butte access road that connects to the Liard Highway.

The All Season Road project is divided into three phases, as follows:

- Phase 1: activities to support the Construction of the All Season Road in Phase 2, including the Construction and operation of the Winter Road to conduct geotechnical investigation and transport equipment and materials to Prairie Creek Mine.

⁵ See MVLWB Online Registry for [MV2014F0013 – CZN – New LUP and WL Application – Apr23-14](#).

⁶ See MVLWB Online Registry for [MV2014F0013 – CZN – Referral to Environmental Assessment – May22-14](#).

⁷ See MVLWB Online Registry for [MV2014F0013 – CZN – Report of Environmental Assessment – All-Weather Road – RFD – MVEIRB – Sept12-17](#).

⁸ See MVLWB Online Registry for [MV2014F0013 – CZN – Minister to Review Board – Decision on EA – Oct9-18](#).

⁹ See MVLWB Online Registry for [MV2014F0013 – CZN – Preliminary Screening Determination – Aug 20 19](#).

- Phase 2: activities to support the Construction of the All Season Road including the Construction and operation of the Winter Road and of All Season Road Construction.
- Phase 3: activities to support the operation of the All Season Road including transportation of loaded Concentrate, consumable materials and supplies to support mine operations, and road maintenance.

Description of the Applications

On March 14, 2023, CZN submitted two type A Licence Applications to the Board (MV2023L8-0002, MV2023L8-0003)¹⁰ and one Licence Application to Parks Canada (PC2023L8-0002).¹¹ The Applications explained that type A Licences are required for the ASR Project as CZN needs more than 299 m³/day of water (authorized under the current type B Licences) to construct the Winter Road. On March 24, 2023 Board staff sent an Incomplete Letter to CZN detailing additional information required before the Applications could be sent for review.¹² Parks Canada sent an Incomplete Letter to CZN on March 30, 2023.¹³ CZN responded with additional information on April 20, 2023 and June 13, 2023. Board staff and Parks Canada subsequently deemed the Applications complete and sent them for public review on June 16, 2023. Throughout the Type A Water Licence process, Parks Canada is committed to following the Board's regulatory process and timeline where possible.

The Applications include 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 activities require screening by the Board and Parks Canada in accordance with subsection 124(1) of the MVRMA.

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

Engagement

CZN submitted an Engagement Record¹⁴ with the Applications. In the Project Description, CZN included a link to the approved Engagement Plan (Version 2.1)¹⁵ for the current authorizations.

¹⁰ See MVLWB Online Registry for [CZN – All-Season Road – New Type A Licence Application – Mar14 23](#).

¹¹ See MVLWB Online Registry for [CZN – ASR – Type A Licence Application \(Incomplete\) – Mar 14 23](#).

¹² See MVLWB Online Registry for [CZN – All-Season Road – New Type A Licence Application – Incomplete – Mar24 23](#).

¹³ See MVLWB Online Registry for [CZN – ASR – Type A Licence Application – PC Incomplete Letter – Mar 30 23](#).

¹⁴ See MVLWB Online Registry for [CZN – ASR – Type A Licence Application – Engagement Record – Apr 24 23](#).

¹⁵ See MVLWB Online Registry for [CZN – ASR – EP V2.1 – Oct12 21](#).

The Engagement Record includes a record of engagement, from March 2020 until February 2023, about the type A licence applications with the following Parties:

- Nahᓃᓴ Dehé Dene Band
- Łíídlıı Kúę First Nation
- Acho Dene Koe First Nation

The Engagement Record also included any letters sent from CZN to the parties about the type A licence applications, including any responses received from the parties. No concerns were raised by Parties in CZN's Engagement Record.

3.1 Scope of Screening

Previously Screened or Assessed Areas and Activities

Activities that the Board and Parks Canada understands to have been previously considered, and which therefore do not require preliminary screening at this time, are described in section 2 of the Report of EA.¹⁶ The Board and Parks Canada also jointly screened the following activities on August 8, 2019¹⁷:

- Construction and operation of a barge crossing at the Liard River from a conventional barge to a hoverbarge, and the associated landings on both sides of the Liard River; and
 - The barge itself was screened during EA, but the winch cable associated with the hoverbarge has not been assessed.
- The construction, operation, closure and reclamation of the ASR along the south bank of Sundog Creek between km 34 and km 38.
 - The alignment along the south bank of Sundog Creek was assessed in the EA, however the location of the alignment has now been modified. The original Project description was to relocate about 1.5 km of the creek main channel from its present location along the south edge of the floodplain to a prominent natural braid located in the central portion of the floodplain. The purpose of the diversion was to reduce ASR-channel interaction and allow the road segment to be built partly within the footprint of the original main channel. CZN is now proposing a revised plan for Sundog Creek that eliminates the need for the Sundog Creek Diversion. Under the revised plan, the road alignment along the former diversion reach is adjusted into the south bank above the existing main channel to minimize encroachments into the channel.

In the Applications, CZN clarified that no new water sources are proposed from what was previously licenced for the Project, and that the maximum quantity of water to be withdrawn from each water source will not change. The currently approved water sources, purposes of water use, and maximum quantities of water, and are outlined in Part D, Condition 2 of Licence MV2014L8-0006¹⁸ and PC2014L8-0006¹⁹.

¹⁶ See MVLWB Online Registry for [MV2014F0013 – CZN – Report of Environmental Assessment – All-Weather Road – RFD – MVEIRB – Sept12-17](#).

¹⁷ See MVLWB Online Registry for [MV2014F0013 – CZN – Preliminary Screening Determination – Aug 20 19](#).

¹⁸ See MVLWB Online Registry for [CZN – ASR – Non-fed Licence – Amendment – Aug30 22](#).

¹⁹ See MVLWB Online Registry for [CZN – ASR Water Licence Administrative Amendments – June 7 21](#).

New Activities

In CZN's response to the incomplete letter sent by Board staff, CZN discussed that the 299 m³/day authorized by the current type B licences for the Project has been an "impediment to the construction of an ice bridge over the Liard River and to Winter Road construction progress in general during this past Winter Road construction season".²⁰ Specifically, CZN has applied to raise the daily water use limit to 2,000 m³/day on non-federal lands (Licence MV2023L8-0002) and 1,000 m³/day on land administered by Parks Canada (Licence PC2023L8-0002). As noted by CZN, a type A Licence Application was still required for the federal licence (Licence MV2023L8-0003) although CZN is not proposing to use water sources on federal lands licensed by the Board. CZN also requested that the Tetcela River be added as a water source for the Licence administered by Parks Canada.²¹ During the public review, CZN clarified in a response to a comment from Parks Canada that water transport from approved water sources by helicopter to work sites may be required.²²

In EA1415-01, "water quality and quantity" were included in Section 2.2 (Scope of assessment). The impacts of water withdrawal from some water bodies along the proposed ASR for the purposes of dust control and potable water were discussed in Section 9.1.11. However, the specific impacts of increasing daily water use up to 1,000-2,000 m³/day for the Project have not been previously screened. The use of the Tetcela River for Winter Road construction, and the use of helicopter to transport water to work sites have not been previously screened. Therefore, the Board is screening the following new activities for the Applications:

- Daily water use of up to 2,000 m³/day on non-federal lands, and up to 1,000 m³/day on land administered by Parks Canada.
- Including Winter Road construction as a purpose of water use for the Tetcela River on land administered by Parks Canada.
- Use of a helicopter to transport water from approved sources to work sites.

3.2 Public Record and Regulatory Proceeding

To assist the Board and Parks Canada in the preliminary screening determination for the Project, the Board distributed the Applications for public review on June 16, 2023, 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 July 19, 2023, with responses from the Applicant due August 2, 2023. The Board and Parks Canada received comments and recommendations from Nahᓃᓴ Dehé Dene Band (NDDDB) and Łı́ı́dlı́ Kúę First Nation (joint submission), Parks Canada, Acho Dene Koe First Nation (ADKFN), Environment and Climate Change Canada (ECCC), Crown Indigenous Relations and Northern Affairs Canada (CIRNAC), Government of the Northwest Territories Department

²⁰ See MVLWB Online Registry for [CZN – All Season Road – New Type A Licence Application – Responses to Incomplete Letter – Apr20 23](#).

²¹ See the LWB's Online Review System for [CZN – All Season Road – New Type A Licence Application – Project Description – June 13 23](#).

²² See MVLWB Online Review System for [CZN All-Season Road – New Type A Licence Applications – Aug 2 23](#); Parks Canada, comment 6.

of Environment and Climate Change (GNWT-ECC), and Department of Fisheries and Oceans (DFO).²³ Board staff also submitted comments and questions for the purposes of clarification.

Since there were no requests to extend the reviewer comment deadline, the Board and Parks Canada are 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 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 Applications.

4.0 Potential Impacts and Proposed Mitigations

Table 1 below summarizes:

- the potential impacts of the proposed changes to the 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 and Parks Canada's analysis of the potential impacts and proposed mitigations.

²³ See the LWB's Online Review System for [CZN – All-Season Road – New Type A Licence Applications – June 16, 2023](#).

Table 1: Potential Impacts and Proposed Mitigations for the Proposed Changes to the Project

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board and Parks Canada Analysis and Determination
Water flow or level changes	Daily water use of up to 2,000 m ³ /day on non-federal lands, and up to 1,000 m ³ /day on land administered by Parks Canada; including Winter Road construction as a purpose of water use for the Tetcela River	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> ○ All lakes and streams are assumed to be potentially fish-bearing, therefore CZN has adopted DFO's 10% of lake volume winter abstraction protocol and <10% instantaneous flow for streams at any time.²⁴ Devices (gauges) are installed at Sundog Creek and the Tetcela River to measure flow. If there are water sources that will be used (e.g. Fish Trap Creek) where no gauge has been installed, CZN will use some sort of device for measurement of instantaneous flow at these locations.²⁵ ○ The Applicant does not anticipate drawing more than 1,000 m³/day from sources other than the Liard River for the non-federal lands.²⁶ ○ The Liard River can easily sustain the proposed limit based on flow measured by the Water Survey of Canada Fort Liard Station on December 1, 2021.²⁷ ○ The Tetcela River could easily sustain the proposed limit, based on the flow recorded at the Water Survey of Canada station on February 1, 2019.²⁸ ○ Any water transported by helicopter to work sites will be from approved sources, and the maximum annual quantity volumes from approved sources will be met.²⁹ 	<p>Based on the described mitigations, it is the Board and Parks Canada opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern.</p> <p>The Board and Parks Canada's opinion is based on the low probability of the impact occurring as CZN has adopted DFO Protocol for water withdrawal volumes.^{31 32} The Board and Parks Canada believe that the Board's standard licence conditions that limit annual withdrawal rates and require daily water use reporting are effective and reliable to mitigate the proposed impacts.</p>

²⁴ See the LWB's Online Review System for [CZN – All Season Road – New Type A Licence Application – Project Description – June 13 23](#).

²⁵ See MVWLB Online Review System for [CZN All-Season Road – New Type A Licence Applications – Aug 2 23](#); Parks Canada, comment 7.

²⁶ Ibid.

²⁷ See MVLWB Online Registry for [CZN – All Season Road – New Type A Licence Application – Responses to Incomplete Letter – Apr20 23](#).

²⁸ See the LWB's Online Review System for [CZN – All Season Road – New Type A Licence Application – Project Description – June 13 23](#).

²⁹ See MVWLB Online Review System for [CZN All-Season Road – New Type A Licence Applications – Aug 2 23](#); Parks Canada, comment 6.

³¹ Fisheries and Oceans Canada, 2010, [Protocol for Winter Water Withdrawal from Ice-covered Waterbodies in the Northwest Territories and Nunavut](#).

³² Fisheries and Oceans Canada, 2013 [Framework for Assessing the Ecological Flow Requirements to Support Fisheries in Canada](#).

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board and Parks Canada Analysis and Determination
		<ul style="list-style-type: none"> • The Board has standard licence conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:³⁰ <ul style="list-style-type: none"> ○ COMPLY WITH SURVEILLANCE NETWORK PROGRAM (SNP) <ul style="list-style-type: none"> • Specifically, the Board and Parks Canada could require suitable instruments to measure instantaneous flow (e.g. Bluetooth water level loggers) to be deployed in watercourses that do not have gauge stations equipped with real-time data uplinks as part of the SNP in the draft Licence. • The Board and Parks Canada could require equipment used to extract water to be fitted with flow metres to ensure that pumping rates remain below <10% of instantaneous flow as part of the SNP in the draft Licence. Operators should be trained in the calibration and use of this equipment. • The Board and Parks Canada could require detailed records that show the calculations used to determine instantaneous flow and total volumes of water extracted daily as part of the SNP in the draft Licence. ○ WATER SOURCE AND MAXIMUM VOLUME ○ MAXIMUM UNDER ICE WITHDRAWAL VOLUME ○ WATER MONITORING PLAN 	
Changes in water quality	Daily water use of up to 2,000 m ³ /day on non-federal lands, and up to 1,000 m ³ /day on land	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> ○ CZN has indicated that environmental protection of the streams and lakes will be maintained as described in the relevant management plans for the Project.³³ 	Based on the described mitigations, it is the Board and Parks Canada opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern.

³⁰ See the MVLWB Policies and Resources webpage to access the LWB [Standard Water Licence Conditions Template](#).

³³ See the LWB's Online Review System for [CZN – All Season Road – New Type A Licence Application – Project Description – June 13 23](#).

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board and Parks Canada Analysis and Determination
	administered by Parks Canada; including Winter Road construction as a purpose of water use for the Tetcela River	<ul style="list-style-type: none"> • The Board has standard licence conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:³⁴ <ul style="list-style-type: none"> ○ WATER MANAGEMENT PLAN ○ SEDIMENT AND EROSION CONTROL PLAN 	The Board and Parks Canada believe that the Board's standard licence conditions that require management plans to monitor and respond to changes in water quality are effective and reliable to mitigate the proposed impact.
Impacts on wildlife	Use of helicopter to transport water from approved sources to work sites	<ul style="list-style-type: none"> • Parks Canada and the GNWT-ECC require a Wildlife Mitigation and Monitoring Plan for this Project to proceed. This Plan can include mitigations to manage the identified potential impacts. 	Based on the described mitigations, it is the Board and Parks Canada opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern.

³⁴ See the MVLWB Policies and Resources webpage to access the LWB [Standard Water Licence Conditions Template](#).

4.1 Consideration of Potential Impacts

Based on the potential impacts and proposed mitigations identified above in Table 1, the Board and Parks Canada considered whether the changes to the Project might have a significant adverse impact on the environment. In general, impacts of the changes to the Project on the environment can be mitigated by standard licence conditions and/or project-specific conditions established by the Board and Parks Canada as per the LWB [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.

The conditions will be discussed in further detail by all Parties through the regulatory proceeding and will be finalized by the Board and Parks Canada following completion of the regulatory proceeding.

4.2 Consideration of Public Concern

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

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

5.0 Conclusion

The Review Board conducted an EA of the Project (EA Report released on September 12, 2017³⁵) and the Board and Parks Canada conducted a joint preliminary screening of the Project on August 9, 2019.³⁶ However, the Applications include proposed changes to the Project. Accordingly, the Board and Parks Canada 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 and Parks Canada has jointly conducted a preliminary screening of the proposed changes to the Project.

The Board and Parks Canada has reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed changes to the Project. Based on the evidence, it is the Board and Parks Canada's opinion that the proposed changes to the 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 and Parks Canada has therefore decided not to refer the proposed changes to the Project to Environmental Assessment and will resume the regulatory proceeding.

SIGNATURE



Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

November 6, 2023

Date



Jonathan Tsetso
Parks Canada

November 6, 2023

Date

³⁵ See MVLWB Online Registry for [MV2014F0013 – CZN – Report of Environmental Assessment – All-Weather Road – RFD – MVEIRB – Sept12-17](#).

³⁶ See MVLWB Online Registry for [MV2014F0013 – CZN – Preliminary Screening Determination – Aug 20 19](#).