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www.mvlwb.com

July 25, 2023

File: MV2023Q0018

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: Cherdon Enterprises Ltd. – Notice of Preliminary Screening Determination – Renewal Application for Land Use Permit – Quarry – Kakisa, NT

The Mackenzie Valley Land and Water Board (Board) met on July 20, 2023, and considered the Application package from Cherdon Enterprises Ltd. (Cherdon) for Land Use Permit (Permit) MV2023Q0018 to continue quarry operations at an existing gravel pit near the junction of Highways #1 and #3 (Km 188.9, HWY #1) near Kakisa, NT in accordance with the Mackenzie Valley Resource Management Act (MVRMA).

The Board completed a preliminary screening of the Project on November 3, 2016,¹ and Cherdon 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.

Please contact Kathy Racher via [email](#) or at (867) 766-7457 with any questions or concerns regarding this letter.

Yours sincerely,

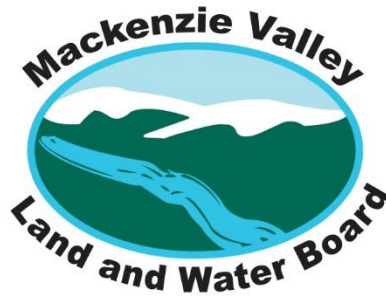
A handwritten signature in blue ink that reads "Tanya MacIntosh".

Tanya MacIntosh
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Dehcho Distribution List

Attachment: Preliminary Screening Determination and Reasons for Decision

¹ See MVLWB Online Registry www.mvlwb.com for [Cherdon Enterprises Ltd. – Preliminary Screening Issuance Report – Nov3 16](#).



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Preliminary Screening Determination and Reasons for Decision

Land Use Permit Application	
File Number	MV2023Q0018
Company	Cherdon Enterprises Ltd.
Project	Cherdon Quarry
Location	Kakisa, NT
Activity	Quarry
Date of Decision	July 20, 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 (MVLWB or Board) met on July 20, 2023 to make a preliminary screening determination on the renewal Application from Cherdon Enterprises Ltd. (Cherdon) (Applicant) for Land Use Permit MV2023Q0018 (Permit)¹ to continue quarry operations at an existing gravel pit near the junction of Highways #1 and #3 (Km 188.9, HWY #1) near Kakisa, NT (Project).²

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

¹ See MVLWB Online Registry www.mvlwb.com for [Cherdon – Permit Application Form – Jun7 23](#).

² The Project is the Cherdon Quarry, 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 List of Defined Terms and Acronyms

Applicant	Cherdon Enterprises Ltd.
Application	The complete application package submitted by the Applicant for Land Use Permit MV2023Q0018.
Board	Mackenzie Valley Land and Water Board
GNWT	Government of the Northwest Territories
GNWT-ECC	Government of the Northwest Territories – Environment and Climate Change
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
Minister	Minister of the Government of the Northwest Territories – Environment and Climate Change
Party	As per the LWB Rules of Procedures , an applicant, a person, or an organization participating in the regulatory proceeding for the Application.
Project	Cherdon Quarry, which is the proposed development (as defined in Part 5 of the MVRMA).
Standard Permit Conditions	LWB Standard Land Use Permit Conditions Template

3.0 Background and Scope of Screening

On June 6, 2023, Cherdon Enterprises Ltd. (Cherdon) submitted a renewal Application for Land Use Permit (Permit) MV2023Q0018 to replace its existing Permit, MV2016Q0024. The Application is to continue quarry operations at an existing gravel pit near the junction of Highways #1 and #3 (Km 188.9, HWY #1) near Kakisa, NT. Cherdon currently holds a valid quarry permit with the GNWT to access gravel from Block 1 (a, b, c, d) and once depleted will apply for another permit for Block 2 (a, b). There is an existing access road to the site, no camp associated with the operation, no fuel normally stored on site, and any waste generated is removed from the site. Any stripped timber is stored for salvage. One double-walled fuel storage container may be used to support crushing activities if required. An Engagement Record and Engagement Plan were included in the Application.

The most recent Preliminary Screening (2016) reflects the continued operations described in the renewal Application. This screening was updated from previous screening to include potential expansion and the potential addition of a 5,000 L fuel tank to support crushing activities, if ever required.

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.³

³ 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*.”

Further information about these Project areas and activities, and associated impacts and mitigations, is detailed in the Board’s Preliminary Screening Determination, dated November 3, 2016.⁴

Previously Screened Activities:

A quarry operation near km 188.9 on Hwy #1 within Quarry Management Blocks 1(a, b, c, and d) and 2 (a and b). Quarry operations in block 1 have previously been screened under Land Use Permit MV2009Q0022 on October 8, 2009. The potential for quarry expansion and fuel storage were added on November 3, 2016. The primary activities that have been screened to support the quarry operation include:

- The use of equipment
- storage of fuel

The Application does not include abandonment, decommissioning, or significant alterations to the Project.

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 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. Comments were due July 7, 2023, with responses from the Applicant due July 14, 2023. The Board one ‘no comment’ letter was submitted by the Government of the Northwest Territories – Department of Environment and Climate Change (GNWT-ECC).⁵

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 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 has considered 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

⁴ See MVLWB Online Registry for [Cherdon Enterprises Ltd – Issuance – Preliminary Screening Report – Nov3-16](#).

⁵ See MVLWB Online Review System for [Cherdon Enterprises Ltd. – Cherdon Quarry Operations – June16 23](#).

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 standard 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.

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 considered 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 completed a preliminary screening of the Project on November 3, 2016,⁶ 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



Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

July 25, 2023

Date

⁶ See MVLWB Online Registry for [Cherdon Enterprises Ltd. – Issuance Preliminary Screening – Nov3 16](#).