

7th Floor - 4922 48th Street  
PO Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610  
www.mvlwb.com

December 11, 2023

File: MV2023S0033

Mark Cliffe-Phillips  
Mackenzie Valley Review Board  
200 Scotia Centre  
Box 938, 5102-50th Avenue  
Yellowknife NT X1A 2N7

<mailto:>Sent by email

Dear Mark Cliffe-Phillips,

**Re: GNWT-INF – Lockhart All-Season Road Geotechnical Investigation – Notice of Preliminary Screening Determination – Application for Land Use Permit – Geotechnical Drilling – Tibbitt Lake to Lockhart Lake, NT**

On December 1, 2023, the Mackenzie Valley Land and Water Board (Board) issued its Preliminary Screening Determination and Reasons for Decision for an application from the Government of Northwest Territories - Infrastructure (GNWT-INF) for Land Use Permit (Permit) MV2023S0033 for the Geotechnical Investigation for the Lockhart All-Season Road (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Mackenzie Valley Land and Water Board (Board) updated the Reasons for Decision for this Preliminary Screening Determination on December 11, 2023 (attached). The decision to not refer the Project to environmental assessment has not changed.

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

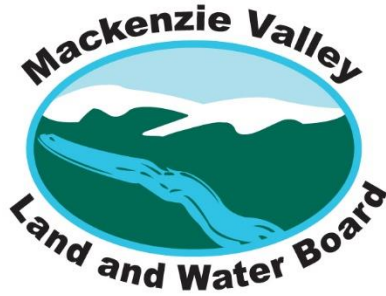
Yours sincerely,

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

Tanya MacIntosh  
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Akaitcho Distribution List  
David-Scott McQuin, GNWT-INF

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	MV2023S0033
Company	Government of Northwest Territories - Infrastructure
Project	Geotechnical Investigation for the Lockhart All-Season Road
Location	Tibbitt Lake to Lockhart Lake, NT
Activity	Geotechnical Investigation and Drilling
Date of Decision	November 30, 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 November 30, 2023 to make a preliminary screening determination on the Application from Government of Northwest Territories-Infrastructure (GNWT-INF) (Applicant) for Land Use Permit MV2023S0033 (Permit)<sup>1</sup> for the Geotechnical Investigation for the Lockhart All-Season Road, NT (Project).<sup>2</sup>

<sup>1</sup>See MLWB] Online Registry [www.mvlwb.com](http://www.mvlwb.com) for [GNWT-INF – LASR – Permit Application – Oct12 23](#).

<sup>2</sup> The Project is the Geotechnical Investigation for the Lockhart All-Season Road, 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 has decided not to refer the proposed Project to the Mackenzie Valley Environmental Impact Review Board (the Review Board) for Environmental Assessment because, 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.

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	GNWT-INF
Application	The complete application package submitted by the Applicant for Land Use Permit MV2023S0033.
Board	Mackenzie Valley Land and Water Board
CRP	Closure and Reclamation Plan
EA/EIR	Environmental Assessment/Environmental Impact Review
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	<a href="#">Mackenzie Valley Resource Management Act</a>
Minister	Minister of the Government of the Northwest Territories – Environment and Climate Change
ORS	Online Review System ( <a href="http://www.new.onlinereviewssystem.ca">www.new.onlinereviewssystem.ca</a> )
Party	As per the LWB <a href="#">Rules of Procedure</a> , an applicant, a person, or an organization participating in the regulatory proceeding for the Application.
Project	Geotechnical Investigation for the Lockhart All-Season Road, which is the proposed development (as defined in Part 5 of the MVRMA). <sup>3</sup>
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
Standard Permit Conditions	LWB <a href="#">Standard Land Use Permit Conditions Template</a>
TG	Tłıchq Government
TK	Traditional Knowledge
WMP	Waste Management Plan

## 3.0 Background and Scope of Screening

GNWT-INF applied for a Permit to conduct geotechnical investigations in support of the Lockhart All-Season Road located between Tibbitt Lake and Lockhart Lake, NT. The project will conduct test pitting and geotechnical drilling programs through the summer and winter, starting in the winter of 2024, to assess aggregate resources, subgrade conditions and permafrost regimes over multiple years.

<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.”

The term requested is five years.

Affected Parties identified in the Application include:

- Akaitcho Dene First Nations;
- Tłıchǫ Government;
- Yellowknives Dene First Nation (YKDFN);
- North Slave Métis Alliance; (NSMA)
- Deninu Kú'ę' First Nation; (DKFN)
- Łutselk'e Dene First Nation; (LKFN)
- NWT Métis Nation;
- Fort Resolution Métis Government; (FRMG)
- Ingraham Trail Cabin Owners Association; and,
- NWT and Nunavut Chamber of Mines.

The initial engagement emails were sent on June 7, 2022, with follow up calls and emails taking place through to October 10, 2023.

Responses were received from all parties. NWT Métis Nation requested capacity funds to participate in a meaningful way, and the proponent stated readiness to provide funds for the project/Permit update meeting. YKDFN raised an issue with the start and end point of the proposed road and requested a letter describing the Permit activities, the proponent sent further information. FRMG requested funding to participate in engagement sessions and receive copies of engagement materials in preparation for sessions, and the proponent responded that due to evacuation the engagement sessions were cancelled and targeted engagements would move forward.

In accordance with paragraph 125(1)(a) of the [MVRMA](#), the Board must conduct a preliminary screening of the proposed Project to determine and report to the Review Board whether, in its opinion, the proposed 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:**

The area impacted by the Project is shown in the Map-Potential Granular Sources provided in the Application. Activities scoped for the project include:

- Geotechnical investigation, including drilling;
- Use of equipment and machines;
- Use and storage of fuel;
- Construction, operation and maintenance of winter roads; and
- Construction, operation and maintenance of camps.

GNWT-INF has applied for a Permit to conduct geotechnical drilling and test pitting in support of the development of the Lockhart All-Season Road (LASR) between Highway 4 (Ingraham Trail) from Tibbitt Lake to Lockhart Lake.

Potential target areas for drilling have been identified, and additional potential target areas for assessing hard-rock quarries and granular resources for construction of an all-season road may be identified based on the on-going engagement and studies.

Drilling and project operations will take place in the summer and winter by heli-portable drills with construction of spur roads during the winter drilling programs off the Tibbitt to Contwoyto Winter Road. A total of 10 km of overland portages with winter road access and road width of 10 m is estimated for the project. All boreholes and excavations will be backfilled with drill cuttings and/or bentonite. No further restoration is anticipated to be required.

Existing camps will be used if possible, or small temporary/mobile camps may be created for a maximum of 20 persons. A winter camp will be installed for the winter road season (i.e. 120 days). Camps will be established on previously disturbed areas where possible, or on durable land and setback from watercourses. Waste generated will include domestic garbage, cleared vegetation, and hazardous waste (waste oils, antifreeze, solvents, oil filters, and used hydrocarbon containers and absorbents). Camp greywater will be discharged into a sump a minimum of 100 m from the high-water mark, and sewage will be captured in tanks and brought to Kavanaugh Brothers Ltd for pump out. All waste generated will be brought out of site and deposited at the Yellowknife Solid Waste Facility or with KBL Environmental.

### **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 20, 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 November 10, 2023, with responses from the Applicant due November 17, 2023. Comments were extended to November 14, 2023 due to an internet outage on the date of the deadline. The applicant requested and was provided an extension to submit responses by November 22, 2023. The Board received comments and recommendations from Environment and Climate Change Canada (ECCC); GNWT-Lands – North Slave Region (Inspector); GNWT – Education, Culture and Employment (ECE) – Prince of Wales Northern Heritage Centre (PWNHC), and Tłıchǫ Government (TG) (attached).<sup>4</sup> Late comments were submitted by YKDFN and NSMA on November 16 and 17, 2023. Board staff also submitted comments and questions for the purposes of clarification.

An extension was provided for comments, 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](#).

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<sup>4</sup> See MLWB Online Registry for [GNWT-INF – LASR - Review Comment Table – Dec 1, 23](#).

Pursuant to Schedule 4.1 of [Northwest Territory Métis Nation \(NWTMN\) Interim Measures Agreement](#),<sup>5</sup> 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](#),<sup>6</sup> 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.

#### **4.0 Potential Impacts and Proposed Mitigations**

Table 1 below summarizes:

- the potential impacts of the proposed 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.

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<sup>5</sup> See MLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Northwest Territory Métis Nation Interim Measures Agreement](#).

<sup>6</sup> See MLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Akaitcho Territory Dene First Nations Interim Measures Agreement](#).

**Table 1: Potential Impacts and Proposed Mitigations for the Proposed Project**

<b>Potential Impact</b>	<b>Activity</b>	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
Contamination of waterbodies, water quality and effects on plant and wildlife health	Machinery/ Drilling	<ul style="list-style-type: none"> <li>• GNWT-INF indicated that hazardous material spills may lead to soil contamination, water contamination, and affect the health of vegetation and terrestrial wildlife, which would require spill response and added workload to the project.</li> <li>• Mitigation measures taken are that the project will adhere to the approved Spill Contingency Plan and Permit conditions regarding fuel containment and transfer. The selection of target areas will include the avoidance of watercourses and waterbodies and include upland areas rather than low-lying areas that may have higher erosion potential and proximity to water.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:               <ul style="list-style-type: none"> <li>• EXCAVATION SETBACK</li> <li>• MINIMIZE APPROACH</li> <li>• STREAM BANK</li> <li>• REPAIR LEAKS</li> <li>• FUEL STORAGE SETBACK</li> <li>• FUEL CACHE SECONDARY CONTAINMENT</li> <li>• SECONDARY CONTAINMENT REFUELING</li> <li>• FUEL CONTAINMENT</li> <li>• FUEL ON LAND</li> <li>• SPILL CONTINGENCY PLAN</li> <li>• SPIL RESPONSE</li> <li>• CLEAN UP SPILLS</li> <li>• REPORT SPILLS</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern. The proposed project involved drilling and test pitting to investigate granular potential target areas.</p> <p>The Board’s opinion is based on the relatively small size of each drilling site likely to be affected by the impacts and the small disturbance associated with the winter roads, and potential small camps. The use of the existing technology, the reversibility of the impacts and the reliability of the proposed mitigations and condition were also considered by the Board for this opinion.</p>

Potential Impact	Activity	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board Analysis and Determination
Soil Compaction, Destabilization/Erosion	Winter road access, Drilling, and test pitting	<ul style="list-style-type: none"> <li>• GNWT-INF indicated that vehicle movement may cause rutting or gouging of the ground, soil compaction and vegetation compaction. To mitigate the project will suspend overland travel at the first sign of rutting or gouging. For Winter Road access, overland portions will require a minimum of 10 cm of packed snow and/or ice will be constructed and always maintained. The selection of target areas will include the avoidance of watercourses and waterbodies and include upland areas rather than low-lying areas that may have higher erosion potential and proximity to water.</li> <li>• GNWT-INF indicated that winter road access, drilling and test pitting may cause erosion and changes in soil structure. To mitigate, all boreholes and excavations will be backfilled with drill cuttings or bentonite.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>• REMOVAL AND SEAL DRILL CASINGS</li> <li>• WINTER ROADS</li> <li>• PROGRESSIVE EROSION CONTROLS</li> <li>• REPAIR EROSION</li> <li>• PREVENATION OF RUTTING</li> <li>• SUSPEND OVERLAND TRAVEL</li> <li>• VEHICLE MOVEMENT FREEZE-UP</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern. The proposed project involved drilling and test pitting to investigate granular potential target areas.</p> <p>The Board’s opinion is based on the relatively small size of each drilling site likely to be affected by the impacts and the small disturbance associated with the winter roads, and potential small camps. The use of the existing technology, the reversibility of the impacts and the reliability of the proposed mitigations and condition were also considered by the Board for this opinion.</p>
Impacts to wildlife, loss or removal of habitat, dens or nest and keystone species and/or	Drilling and machinery	<ul style="list-style-type: none"> <li>• GNWT-INF indicated potential impact to wildlife.</li> <li>• Mitigation to avoid impacts to wildlife (including wildlife species at risk and habitat loss) are provided in the Wildlife Management and Monitoring Plan. Proper lighting will be used by all vehicles when moving, adhere to speed limits and speed will be limited in areas with</li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern.



Potential Impact	Activity	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board Analysis and Determination
species at risk habitat		<p>low visibility to prevent direct injury or mortality during operation of vehicles.</p> <ul style="list-style-type: none"> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>• HABITAT DAMAGE</li> <li>• MIGRATORY BIRD NEST DISTURBANCE</li> </ul> </li> </ul>	<p>The Board’s opinion is based on the relatively small size of each drilling site likely to be affected by the impacts and the small disturbance associated with the winter roads, and potential small camps. The submitted Wildlife Monitoring and Management Plan was also considered. The Board’s final opinion is based on the limited duration and magnitude of the impacts, and the reliability of the proposed mitigations and conditions.</p>
Effects on traditional land use, subsidence, and harvesting rights	Drilling and test pitting	<ul style="list-style-type: none"> <li>• GNWT-INF indicated that the project will disrupt the use of land temporarily in small areas. The GNWT has committed to fully participating in the Regional Strategic Environmental Assessment of the Slave Geological Province as it advances. Information gathered through this geotechnical investigation will be shared.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>• CLEAN WORK AREA</li> <li>• NATURAL DRAINAGE</li> <li>• REPAIR EROSION</li> <li>• OFF-ROAD VEHICLE TRAVEL</li> <li>• SUSPEND OVERLAND TRAVEL</li> <li>• PREVENTION OF RUTTING</li> <li>• MINIMIZE AREA CLEARED</li> <li>• FINAL CLEANUP AND RESTORATION</li> </ul> </li> </ul>	<p>With respect to harvesting rights, the NSMA stated that there is a “high likelihood that the Work will cause significant adverse effects on our members’ ability to exercise their Aboriginal right to harvest wildlife...”; however, no specific evidence was provided to support this conclusion. Although the NSMA did not identify specific mitigations to alleviate these concerns, they did ask that the GNWT “agree that deep consultation is appropriate.” In response, GNWT-INF stated that they remain “available to meet with the NSMA and further explore any potential concerns specific to the Geotechnical Investigations prior to undertaking any of the</p>

Potential Impact	Activity	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
		<ul style="list-style-type: none"> <li>• NATURAL VEGETATION</li> <li>• PROGRESSIVE RECLAMATION</li> <li>• TRAILS RESTORATION</li> </ul>	<p>work outlined in the LUP application<sup>7</sup>.”</p> <p>Based on the evidence and the described mitigations, it is the Board’s 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’s opinion is based on the relatively small size of each drilling site likely to be affected by the impacts and the small disturbance associated with the winter roads, and potential small camps. The submitted Wildlife Monitoring and Management Plan was also considered. The Board’s final opinion is based on the limited duration and magnitude of the impacts, and the reliability of the proposed mitigations and conditions.</p>
Change to or loss of heritage resource	Drilling and test pitting	<ul style="list-style-type: none"> <li>• GNT-INF indicated that Archaeological Impact Assessments will identify the risk and location of possible sites and the appropriate buffer will be given to sites to prevent damage. If a new site is discovered during operation, GNWT-INF will stop operation and notify the appropriate parties immediately.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:</li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern. The proposed project involved drilling and test pitting to investigate granular potential target areas.</p>

<sup>7</sup> [GNWT-INF response to NSMA comments](#)

Potential Impact	Activity	<p align="center"><b>Proposed Mitigations</b></p> <p align="center"><i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i></p>	Board Analysis and Determination
		<ul style="list-style-type: none"> <li>• ARCHAEOLOGICAL BUFFER</li> <li>• SITE DISTURBANCE</li> <li>• SITE DISCOVERY AND NOTIFICATION</li> <li>• ARCHAEOLOGICAL OVERVIEW</li> <li>• AIA – HIGH POTENTIAL.</li> </ul>	<p>The Board’s opinion is based on the relatively small size of each drilling site likely to be affected by the impacts and the small disturbance associated with the winter roads, and potential small camps. In forming the Board’s opinion, the Board considered GNWT-INF’s willingness to notify parties of planned archaeological investigations and share the results when complete. The reliability of the proposed mitigations and conditions were also considered by the Board for this opinion.</p>
Air Quality	Geotechnical Investigation	<ul style="list-style-type: none"> <li>• GNET-INF indicated that the project may generate dust from the proposed activities. To mitigate the proposed activities in each area will be short term and dust generation will be minimal and localised.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. One of the standard conditions has been included: <ul style="list-style-type: none"> <li>• HABITAT DAMAGE</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board’s 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’s opinion is based on the duration and frequency of the impact. The standard condition and the magnitude of the impact were considered by the Board for this opinion.</p>
Permafrost loss	Geotechnical Investigation	<ul style="list-style-type: none"> <li>• GNWT-INF indicated that drilling and excavations may cause localized changed in Permafrost. To mitigate, all boreholes and excavations will be backfilled to prevent water infiltration and allow permafrost to re-establish. The target areas will be selected to favour well-drained upland areas with low ice levels in the permafrost so that changes in ground temperature do not affect ground stability or cause erosion.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions</li> </ul>	<p>Based on the described mitigations, it is the Board’s 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’s opinion is based on the relatively small size of each drilling site likely to be</p>

<b>Potential Impact</b>	<b>Activity</b>	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
		include: <ul style="list-style-type: none"> <li>• PERMAFROST PROTECTION</li> <li>• NATURAL DRAINAGE</li> <li>• FLOWING ARTESIAN WELL</li> </ul>	affected by the impacts and the small disturbance associated with the winter roads, and potential small camps. The reliability of the proposed mitigations and conditions were also considered by the Board for this opinion.
Increased greenhouse gases	Geotechnical Investigation	<ul style="list-style-type: none"> <li>• GNWT-INF indicated that there will be some greenhouse gas emissions from vehicles and equipment used for the project, but that methane emissions are not anticipated from thawing permafrost. To mitigate, vehicles and equipment will be maintained regularly, and the target areas are located on rocky areas with little if any surface soils and no organic layers beneath that would cause methane emissions.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:               <ul style="list-style-type: none"> <li>• PERMAFROST PROTECTION</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern.  The Board's opinion is based on the magnitude of the impact.

#### 4.1 Consideration of Potential Impacts

Based on the potential impacts and proposed mitigations identified above in Table 1, 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 and conditions and/or project-specific conditions established by the Board 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.

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 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.

The YKDFN expressed concern over the adequacy of consultation on the routing of the proposed roads stating that:

*Meaningful and deep consultation and accommodation with YKDFN on the routing of the Slave Geological Province Corridor is required before any investigations, operations, and plans entrench the GNWT's current preferred route for the LASR through Akaitcho Dene First Nation ILWAs and critical areas to the practice of YKDFN's rights, including work under this Project.*

*In order for consultation and accommodation on the routing of the Slave Geological Province Corridor to be meaningful, it must happen at the outset before decisions, including approvals of investigatory work, are made that foreclose the consideration of alternative routes that could mitigate the impacts on YKDFN's rights. Consultation that excludes important forms of accommodation from the outset is not meaningful. To date, the Crown has not fulfilled their duty and the GNWT is proceeding to confirm their preferred route for the LASR through projects of this nature.*

The Board considered this evidence, as well as the response from the proponent, and believe that investigative drilling is required for the proponent to even suggest a route to consult upon. Further, the proponent response indicates that the geotechnical drilling program results will be used to form the basis for consultation moving forward.

The scope of the permit is for investigatory drilling of aggregate sources and not for investigation of road alignment. The Board considered the level of consultation in relation to the project scope and has deemed it adequate.

With respect to ongoing concerns about impacts to harvesting, the Board notes that GNWT-INF has committed to “continued engagement and consultation with all Indigenous Governments and Indigenous Organizations with Aboriginal and/or Treaty Rights which may be impacted by the project<sup>8</sup>.” To this end, the GNWT-INF’s current Engagement Plan commits the proponent to engaging prior to commencing operations; additionally, GNWT-INF committed<sup>9</sup> to revising the Engagement Plan to trigger engagement prior to winter road construction. Changes to both the Engagement Plan and the Wildlife Monitoring and Management Plan may be considered during the term of the permit if necessary. For these reasons, the Board believes that residual public concern can be addressed during the term of the permit based on the conditions proposed in the draft permit.

## 5.0 Conclusion

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.

If the Board does not receive a notice of referral to environmental assessment by December 11, 2023, the Board can issue the Permit on December 12, 2023.

SIGNATURE



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**Tanya MacIntosh, Chair**  
**Mackenzie Valley Land and Water Board**

December 1, 2023

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**Date**

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<sup>8</sup> GNWT-INF response to YKDFN Comment 2

<sup>9</sup> GNWT-INF response to TG Comment 6