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March 27, 2023

File: MV2023X0004

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: Geotechnical Drilling Program – Notice of Preliminary Screening Determination – Application for Land Use Permit – Miscellaneous – Yellowknife, NT

The Mackenzie Valley Land and Water Board (Board) met on March 23, 2023 and considered the Application Package from Yellowknife Direct Charge Co-operatives Limited (Co-Op) for Land Use Permit (Permit) MV2023X0004 for the Geotechnical Drilling Program (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

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 Project to environmental assessment. The Board's Preliminary Screening Determination and Reasons for Decision, as required by section 121 of the MVRMA, is attached.

If the Board does not receive notice of referral to environmental assessment, it can proceed with issuance of Permit MV2023X0004 on **Friday April 7, 2023**.

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 Distribution List
Richard Hoos, Tetra Tech
Rob Girvan, Tetra Tech
Justin Nelson, Yellowknife Direct Charge Co-Op

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	MV2023X0004
Company	Federated Co-operatives Limited – Yellowknife Direct Charge Co-operative Limited
Project	Geotechnical Drilling Program
Location	Yellowknife, NT
Activity	Miscellaneous
Date of Decision	March 23, 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 March 23, 2023 to make a preliminary screening determination on the Application from Yellowknife Direct Charge Co-operative Limited (Co-Op or Applicant) for Land Use Permit (Permit) MV2023X0004¹ for the Yellowknife Co-Op Geotechnical Drilling Program (Project).

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

¹ See MVLWB Online Registry www.mvlwb.com for [Yellowknife Direct Charge Co-Op – Permit Application](#) – Feb9_23.

2.0 List of Defined Terms and Acronyms

Applicant	Federated Co-operatives Limited – Yellowknife Direct Charge Co-operative Limited
Application	The complete application package submitted by the Applicant for Land Use Permit MV2023X0004
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 <i>Rules of Procedures</i> , an applicant, a person, or an organization participating in the regulatory proceeding for the Application.
Project	Yellowknife Direct Charge Co-Op, which is the proposed development (as defined in Part 5 of the MVRMA). ²
Review Board	Mackenzie Valley Environmental Impact Review Board
Standard Permit Conditions	MVLWB <i>Standard Land Use Permit Conditions Template</i>

3.0 Background and Scope of Screening

On February 1, 2023, Tetra Tech – on behalf of the Yellowknife Direct Charge Co-Op (Co-Op) submitted a Type B Land Use Permit Application. On February 9, 2023, the Application was deemed complete and circulated to the Distribution List for Public Review on the Online Review System (ORS). Once the application was submitted, the Lands inspector of the area contacted the Applicant and cc'd Board staff stating that based on the type of drill, they should be applying for a Type A. Tetra Tech submitted an updated application for a Type A and the ORS was updated on February 10, 2023 with this Application.

The Application is to conduct a geotechnical drilling evaluation of the proposed design footprint of a new store to be located in the parking lot of the current store.

An Engagement Record and Engagement Plan were included in the Application. Co-Op noted they began their early engagement on January 16, 2023 with Yellowknives Dene First Nation (Dettah); Yellowknives Dene First Nation (Ndilq); Akaitcho Treaty 8 Tribal Corporation; Tłıchq Government; and North Slave Métis Alliance. No issues were raised.

² “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.”

In accordance with paragraph 125(2)(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 is/are likely to have a significant adverse impact on air, water, and/or renewable resources, 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 in which the Project will take place is the current parking lot of the Yellowknife Co-Op, located at 321 Airport Road. The site is a disturbed area which comprises approximately 17,000m². The project is to conduct a geotechnical drilling evaluation of the proposed design footprint of the new Co-Op store.

The geotechnical investigation will consist of the following elements:

- Conduct a geotechnical drilling program of the proposed replacement food store footprint consisting of twenty six (26) probeholes and boreholes as well as additional boreholes at locations for power lines and utility easements;
- Install two or more standpipes during the geotechnical investigation to permit the measurement of groundwater levels;
- Conduct vapour testing during drilling and prepare a stand-alone document that reports the findings;
- Collect soil samples at 1.5 m intervals, or at locations where the soil conditions change, or as sampling is otherwise warranted;
- Return soil samples collected during the field investigation to Tetra Tech's Geotechnical Laboratory in Yellowknife for the purposes of soil classification and determination of relevant engineering properties; and
- Prepare a geotechnical evaluation report that presents the findings from the site investigation and laboratory testing and provides geotechnical recommendations for the design and construction of the new food store and supporting infrastructure (i.e. Utility lines, parking lot).

3.2 Public Record and Regulatory Proceeding

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Application Permit for public review on February 9, 2023, inviting reviewers to provide comments and recommendations on the Application and the preliminary screening (e.g., on impacts and mitigation measures) using the Online Review System (ORS). Comments were due March 2, 2023, with responses from the Applicant due March 9, 2023. The Board received comments and recommendations from the Government of the Northwest Territories (GNWT) – Department of Lands and GNWT - Environment and Natural Resources.³ Board staff also submitted a comment for the purpose of seeking clarification.

³ See MVLWB Online Registry for Yellowknife Direct Charge Co-Op – [Review Comment Summary Table](#) – Feb9_23.

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 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.

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.

Table 1: Potential Impacts and Proposed Mitigations for the Proposed 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	Use of equipment	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> ○ In the event of a spill, protocols identified in the spill contingency plan will be followed. • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:⁴ <ul style="list-style-type: none"> ○ DRILLING WASTE DISPOSAL ○ DRILLING WASTE CONTAINMENT ○ WASTE CHEMICAL DISPOSAL ○ WASTE PETROLEUM DISPOSAL ○ REPAIR LEAKS ○ FUEL CONTAINMENT ○ SPILL CONTINGENCY PLAN ○ SPILL RESPONSE ○ DRIP TRAYS ○ CLEAN UP SPILLS 	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities are not likely to have a significant adverse impact on air, water, or renewable resources, and/or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint at a pre-disturbed location for a short period of time. The proximity to Frame Lake could be a concern without appropriate mitigation measures to ensure Project impacts are minimal/negligible. The Project does not require any long-term infrastructure, no new technology, and no hazardous chemicals or effluents.</p>

⁴ See the MVLWB Policies and Resources webpage to access the MVLWB [Standard Land Use Permit Conditions Template](#).

Permafrost Loss or change in extent	Drilling	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> ○ Permafrost degradation is not anticipated but will be avoided by following best management practices – e.g. drill holes will be backfilled with the drill cuttings and sealed. • 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"> ○ FLOWING ARTESIAN WELL 	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities are not likely to have a significant adverse impact on air, water, or renewable resources, and/or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint at a pre-disturbed location for a short period of time. The proximity to Frame Lake could be a concern without appropriate mitigation measures to ensure Project impacts are minimal/negligible. The Project does not require any long-term infrastructure, no new technology, and no hazardous chemicals or effluents.</p>
Changes in air quality, Greenhouse gases	Use of equipment	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> ○ The proposed activities are temporary, and localized air emissions will be from the drilling equipment. 	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities are not likely to have a significant adverse impact on air, water, or renewable resources, and/or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint at a pre-disturbed location for a short period of time. The proximity to Frame Lake could be a concern without appropriate mitigation measures to ensure Project impacts are minimal/negligible. The Project does not require any long-term infrastructure, no new technology, and no hazardous chemicals or effluents.</p>

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 is likely to have a significant adverse impact on air, water, and/or renewable resources. In general, impacts of the Project on the air, water, and/or renewable resources can be mitigated through the use of standard permit conditions and/or project-specific conditions 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.

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.

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 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 is not likely to have a significant adverse impact on air, water, and/or renewable resources, and will not be a cause of public concern, as set out in paragraph 125(2)(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 April 6, 2023, the Board can issue the Permit on April 7, 2023.

SIGNATURE



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

March 27, 2023

Date