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April 25, 2023

File: MV2023X0005

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: Namushka Lodge (1982) – Notice of Preliminary Screening Determination – Application for Land Use Permit – Miscellaneous – Harding Lake, NT**

The Mackenzie Valley Land and Water Board (Board) met on April 20, 2023 and considered the Application Package from Namushka Lodge (1982) (Namushka) for Land Use Permit (Permit) MV2023X0005 for the Lodge at Harding Lake, NT 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 MV2023X0005 on **Monday, May 8, 2023**

The Board and staff look forward to continued communications throughout the pause period. Please contact Kathy Racher via [email](#) or at (867) 669-0506 with any questions or concerns regarding this letter.

Yours sincerely,

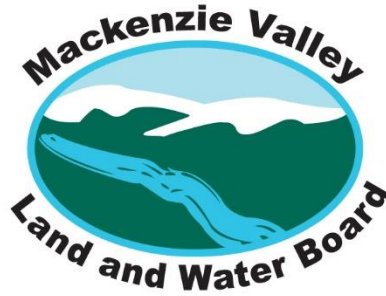


Mavis Cli-Michaud

Chair, Mackenzie Valley Land and Water Board

BCC'd to: Akaitcho Distribution List  
Bryan Chorostkowski – Namushka Lodge (1982)

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	MV2023X0005
Company	Namushka Lodge (1982)
Project	Lodge
Location	Harding Lake, NT
Activity	Miscellaneous
Date of Decision	April 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 (MLWB or Board) met on April 20, 2023 to make a preliminary screening determination on the Application from Namushka Lodge (1982) (Namushka Lodge) (Applicant) for Land Use Permit MV2023X0005 (Permit)<sup>1</sup> for the conduction of activities as Namushka Lodge (Project).<sup>2</sup>

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

<sup>1</sup>See MLWB Online Registry [www.mvlwb.com](http://www.mvlwb.com) for Namushka Lodge– [Permit Application – Feb9 23](#)

<sup>2</sup> 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.”

the Board’s opinion that the proposed Project will not have a significant adverse impact on the environment or be cause of public concern.

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

## 2.0 List of Defined Terms and Acronyms

Applicant/Permittee	Namushka Lodge (1982)
Application	The complete application package submitted by the Applicant for Land Use Permit MV2023X0005
CRP	Closure and Reclamation Plan
Distribution List	The list of individuals and organizations to whom materials from this regulatory proceeding were circulated. <sup>3</sup>
GNWT	Government of the Northwest Territories
GNWT-ECC	Government of the Northwest Territories – Environment and Climate Change
IR	Information request
Inspector	An Inspector designated under subsection 84(1) of the <a href="#">Mackenzie Valley Resource Management Act</a>
LWBs	Land and Water Boards of the Mackenzie Valley
MVLUR	<a href="#">Mackenzie Valley Land Use Regulations</a>
MVLWB or Board	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="https://new.onlinereviewssystem.ca/reviews">https://new.onlinereviewssystem.ca/reviews</a> )
Party	As per the LWB <a href="#">Rules of Procedures</a> , an applicant, a person, or an organization participating in this regulatory process.
Permit	Land Use Permit MV2023X0005
Project	Namushka Lodge, the undertaking as described in Part A of the Permit.
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>
WMP	Waste Management Plan

<sup>3</sup> To access the Distribution List, see the LWBs’ Online Review System for Namushka Lodge – [Namushka Lodge – Mar10 23](#).

### **3.0 Background and Scope of Screening**

On February 9, 2023, the Applicant submitted the Application, which was deemed incomplete on February 14, 2023.<sup>4</sup> The Application is for the use of a campsite/lodge exceeding 400 person days, use and storage of vehicles and equipment and the use and storage of fuel.

On February 23, 2023, additional information was received,<sup>5</sup> and the Application was subsequently deemed complete and circulated to the Distribution List for public review on the Online Review System (ORS) on March 10, 2023.<sup>6</sup>

As part of the public review, Board staff requested comments and recommendations to assist with the Board's preliminary screening determination. To assist the Board in making its decision on the Permit, Board staff also circulated a draft Permit for review with the Application to allow all Parties the opportunity to comment on the specific wording of the draft conditions.

By March 31, 2023, the Board received comments and recommendations regarding the Application and the draft Permit from the following Parties: Fisheries and Oceans (DFO, Tłı̨chǫ Government (TG), GNWT – Environment and Natural Resources (GNWT- ENR) and GNWT - Lands. On April 6, 2023, the Applicant responded to the Parties' comments and recommendations.<sup>7</sup>

Engagement commenced February 20, 2023 and concluded March 13, 2023. In accordance with the Policy and Guidelines, the Applicant's engagement efforts and proposed procedures are detailed in the Engagement Record and Plan (Version 1.1), respectively,<sup>8</sup> submitted with the Application.

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:**

##### New Areas and Activities:

Namushka Lodge has owned and operated the lodge since 1982 under grandfathered rights outlined in federal land leases that served both as a right of occupation and granted the lodge permitted activities. In April 2019 the GNWT Lands department advised that Namushka Lodge would be in breach of contract if Namushka continued to advertise anything but "Commercial Sport Fishing" in its marketing materials. Namushka complied with the Department of Lands requirements and changed the "Use" clause in the

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<sup>4</sup> See MLWB Online Registry for [Namushka Lodge – Application Incomplete – Feb14 23](#)

<sup>5</sup> See MLWB Online Registry for [Namushka Lodge – Additional information – Feb23 23](#)

<sup>6</sup> See MLWB Online Review System for [Namushka Lodge – Mar10 23](#)

<sup>7</sup> See MLWB Online Registry for [Namushka Lodge – Review Summary Table – Apr6 23](#)

<sup>8</sup> See MLWB Online Registry for Namushka Lodge – [Engagement Record V1 – March13 23](#) and Namushka Lodge – [Engagement Plan V1.1 – Mar13 23](#).

surface lease and looks forward to modernizing its permitting and reporting approach by obtaining a land use permit from the MVLWB to comply with provisions of the MVRMA.

Namushka Lodge is located approximately 50 km east of Yellowknife in the Northwest Territories (“NWT”), near the shoreline of Harding Lake<sup>1</sup> (Figure 1 below). Namushka Lodge consists of a single property of approximately 3 hectares under NWT land lease number 85 I/6- 19-7 (expiring December 2041) located on the northeastern shore of Harding Lake at approximately 62° 25’ 5.81” North latitude and 113° 21’ 6.61” west longitude. Access to the property is via float plane direct to the lodge dock. In winter, travel is typically by snowmobile or other tracked snow equipment (side by side or Hagglund) by an existing winter portage route via Reid Lake and Ingraham Trail (Hwy 4).

### **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 March 10, 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 March 31, 2023, with responses from the Applicant due April 6, 2023. The Board received comments and recommendations from Fisheries and Oceans Canada (DF), Tłıchǫ Government (TG), GNWT – Environment and Natural Resources (GNWT-ENR) and GNWT Lands. (attached).<sup>9</sup>

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.

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<sup>9</sup> See MLWB Online Registry for Namushka Lodge– [Review Summary Table – Apr6 23](#)

**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>
Soil Contamination	Mobile equipment	<ul style="list-style-type: none"> <li>• In the event of a spill, protocols identified in the Spill Contingency Plan will be followed.</li> <li>• Secondary containment for standing equipment.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impact. These standard conditions include:<sup>10</sup> <ul style="list-style-type: none"> <li>○ <b>FUEL CONTAINMENT</b></li> <li>○ <b>SPILL CONTINGENCY PLAN</b></li> <li>○ <b>SPILL RESPONSE</b></li> </ul> </li> </ul> <p style="text-align: center;"><b>CLEAN UP SPILLS</b></p>	<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 limited locations on already disturbed lands for a short period of time. The Project does not require any long-term infrastructure, no new technology, no hazardous chemicals or effluents, and no changes to use/access.</p>
Soil Compaction	Use of heavy equipment	<ul style="list-style-type: none"> <li>• Soil compaction is unlikely to occur as the geotechnical investigation will be completed on existing roadways and parking areas.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impact. These standard conditions include: <ul style="list-style-type: none"> <li>○ <b>REPAIR EROSION</b></li> <li>○ <b>PREVENTION OF RUTTING</b></li> <li>○ <b>SUSPEND OVERLAND TRAVEL</b></li> </ul> </li> </ul>	<p>Based on the described risk, 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 limited locations on already disturbed lands for a short period of time.</p>

<sup>10</sup> See the MVLWB Policies and Resources webpage to access the MVLWB [Standard Land Use Permit Conditions Template](#).

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>
Air Quality, GHG	Mobile equipment	<ul style="list-style-type: none"> <li>• Temporary, localized air emissions from the drill rig equipment and pickup truck. No equipment will be left idling during the investigation. Minimal dust may be generated during the investigation and will be watered down as needed. Greenhouse gases released during operation of the drill rig equipment and support trucks will lead to a minimal increase in greenhouse gases.</li> </ul>	<p>Based on the described risk, 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 limited locations on already disturbed lands.</p>
Habitat	Mobile equipment and removal of habitat	<ul style="list-style-type: none"> <li>• Temporary and</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impact. These standard conditions include:               <ul style="list-style-type: none"> <li>○ <b>HABITAT PROTECTION</b></li> <li>○ <b>MIGRATORY BIRD NEST DISTURBANCE</b></li> </ul> </li> </ul>	<p>Based on the described risk, 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 limited locations on already disturbed lands.</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 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 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 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 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 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 Friday May 5, 2023, the Board can issue the Permit on **Monday May 8, 2023**

SIGNATURE



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

April 25, 2023

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**Date**