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May 17, 2023

File: MV2023X0008

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: Northwestel Inc. – Notice of Preliminary Screening - Application for Land Use Permit–  
Miscellaneous – Ingraham Trail, NT**

The Mackenzie Valley Land and Water Board (Board) met on May 11, 2023 and considered the Application Package from Northwestel Inc. for Land Use Permit (Permit) MV2023X0008 for the Dettah Fibre Line Project (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 MV2023X0008 on **Monday May 29, 2023**.

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

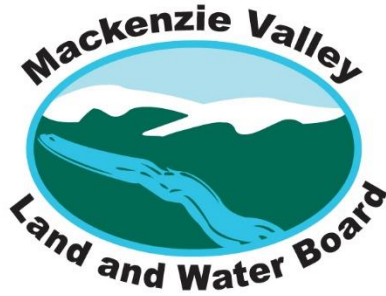
Yours sincerely,

A handwritten signature in blue ink that reads "Tanya MacIntosh". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Tanya MacIntosh  
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Akaitcho Distribution List  
Eric Bartlett, Northwestel Inc.  
Jesse Gaul, Terrain Solutions Inc.

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	MV2023X0008
Company	NorthwesTel Inc.
Project	Dettah Fibre Line Installation
Location	Ingraham Trail
Activity	Miscellaneous
Date of Decision	May 11, 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 May 11, 2023 to make a preliminary screening determination on the Application from NorthwesTel Inc. (NWTel) Applicant) for Land Use Permit MV2023X0008 (Permit)<sup>1</sup> for the Dettah Fibre Line Installation (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 Northwestel Inc. – [Permit Application – Mar1 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 a 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	Northwestel Inc.
Application	The complete application package submitted by the Applicant for Land Use Permit MV2023X0008
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
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 Procedures</a> , an applicant, a person, or an organization participating in the regulatory proceeding for the Application.
Project	Dettah Fibre Line Installation, 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>
TK	Traditional Knowledge
WMP	Waste Management Plan

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

On March 1, 2023, NWTel submitted an Application for the installation of a fibre line from the edge of the City of Yellowknife boundary to the Community of Dettah. The fibre line will be installed along the existing utility poles. Additional poles will be installed by drilling where needed to facilitate the construction and completion of the project. The line will be fully aerial and not placed in the ground or drilled under waterways. There will be no camp established for the project due to the vicinity of the project to the City of Yellowknife. Fuel will be brought to site when needed through external sources.

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<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.”

Engagement commenced during the second quarter of 2022 and continued until the submission of the application which was in March 2023. No issues or concerns were identified in the Engagement Log.

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:**

Application for the installation of a fibre line from the edge of the City of Yellowknife boundary to the Community of Dettah. The fibre line will be installed along the existing utility poles. Additional poles will be installed by drilling where needed to facilitate the construction and completion of the project. The line will be fully aerial and not placed in the ground or drilled under waterways. There will be no camp established for the project due to the vicinity of the project to the City of Yellowknife. Fuel will be brought to site when needed through external sources.

### **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 31, 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 April 21, 2023, with responses from the Applicant due April 26, 2023. The Board received comments and recommendations from Environment and Climate Change Canada, GNWT – Lands and GNWT – Environment and Natural Resources (attached).<sup>4</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 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 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.

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<sup>4</sup> See MLWB Online Registry for Northwestel Inc.– [Review Summary Table – Apr26 23](#)

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

For Board licences and permits in general, potential impacts can be mitigated through standard, and/or project-specific 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.

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.

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**

<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	Operations	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigation in the Application implementation of the Spill Contingency Plan.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:<sup>5</sup> <ul style="list-style-type: none"> <li>○ Chemicals</li> <li>○ Drilling near Water or on Ice</li> <li>○ Drilling Waste</li> <li>○ Drilling Waste Disposal</li> <li>○ Drilling Waste Containment</li> <li>○ Waste Chemical Disposal</li> <li>○ Waste Petroleum Disposal</li> <li>○ Fuel Storage Setback</li> <li>○ Fuel Cache Secondary Containment</li> <li>○ Secondary Containment – Refuelling</li> <li>○ Spill Contingency Plan</li> <li>○ Drip Trays</li> <li>○ Clean Up Spills</li> <li>○ Report Spills</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 will not be a cause of public concern.
Soil Compaction	Operations	<ul style="list-style-type: none"> <li>• Low impact tracked equipment will be used when possible to minimize compaction of surface soils. All work is to be completed within the existing highway right of way. The majority of work will be completed on top of bedrock (minimal surface soils). Most work will occur within the shoulder of the highway to minimize rutting from traffic/equipment.</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 will not be a cause of public concern.

<sup>5</sup> See the MLWB Policies and Resources webpage to access the LWB [Standard Land Use Permit Conditions Template](#).

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
		<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:<sup>6</sup> <ul style="list-style-type: none"> <li>○ Inspect Locations</li> <li>○ Natural Drainage</li> <li>○ Repair Erosion</li> <li>○ Prevention of Rutting</li> <li>○ Suspend Overland Travel</li> <li>○ Progressive Reclamation</li> <li>○ Trails Restoration</li> </ul> </li> </ul>	
Destabilization/ Erosion	Operations	<ul style="list-style-type: none"> <li>• Soil destabilization/erosion is not considered to be a concern based on the above ground project activities.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:<sup>7</sup> <ul style="list-style-type: none"> <li>○ Natural Drainage</li> <li>○ Repair Erosion</li> <li>○ Prevention of Rutting</li> <li>○ Suspend Overland Travel</li> <li>○ Progressive Reclamation</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 will not be a cause of public concern.
Change in soil structure	Operations	<ul style="list-style-type: none"> <li>• No earth moving is proposed in the scope of work</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:<sup>8</sup></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 will not be a cause of public

<sup>6</sup> See the MLWB Policies and Resources webpage to access the LWB [Standard Land Use Permit Conditions Template](#).

<sup>7</sup> See the MLWB Policies and Resources webpage to access the LWB [Standard Land Use Permit Conditions Template](#).

<sup>8</sup> See the MLWB Policies and Resources webpage to access the LWB [Standard Land Use Permit Conditions Template](#).



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
		<ul style="list-style-type: none"> <li>○ Natural Drainage</li> <li>○ Repair Erosion</li> <li>○ Prevention of Rutting</li> <li>○ Suspend Overland Travel</li> <li>○ Progressive Reclamation</li> </ul>	concern.
Inability to support vegetation	Operations	<ul style="list-style-type: none"> <li>• No remove or clearing of vegetation shall occur based on the scope of work</li> </ul>	Board's opinion that the proposed activities will not have a significant adverse impact on the environment will not be a cause of public concern.
Other	Operations	<ul style="list-style-type: none"> <li>• Approximately 15 proposed communication poles are proposed to be placed in or near areas containing saturated soils. Pole spacing will be maximized to minimize poll installation in saturated soils. In addition, work will be completed from the shoulder of the road to mitigate disturbance of saturated soils.</li> </ul>	Board's opinion that the proposed activities will not have a significant adverse impact on the environment will not be a cause of public concern.
Water flow or level changes (permanent, temporary, seasons)	Operations	<ul style="list-style-type: none"> <li>• Proposed activities should not affect surface water flow or level changes</li> </ul>	Board's opinion that the proposed activities will not have a significant adverse impact on the environment will not be a cause of public concern.
Changes in water quality	Operations	<ul style="list-style-type: none"> <li>• A leak or spill has potential to affect water quality. Re-fuelling procedures are outlined in the transfer of fuel section (no closer than 100 m to a water body to minimize potential release to a water body).</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:<sup>9</sup> <ul style="list-style-type: none"> <li>○ Chemicals</li> <li>○ Drilling near Water or on Ice</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 will not be a cause of public concern.

<sup>9</sup> See the MLWB Policies and Resources webpage to access the LWB [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>	Board Analysis and Determination
		<ul style="list-style-type: none"> <li>○ Drilling Waste</li> <li>○ Drilling Waste Disposal</li> <li>○ Drilling Waste Containment</li> <li>○ Waste Chemical Disposal</li> <li>○ Waste Petroleum Disposal</li> <li>○ Fuel Storage Setback</li> <li>○ Fuel Cache Secondary Containment</li> <li>○ Secondary Containment – Refuelling</li> <li>○ Spill Contingency Plan</li> <li>○ Drip Trays</li> <li>○ Clean Up Spills</li> <li>○ Report Spills</li> </ul>	
Increased greenhouse gasses	Operations	<ul style="list-style-type: none"> <li>• A minimal amount of petroleum-based equipment will be used on the project.</li> </ul>	Board’s opinion that the proposed activities will not have a significant adverse impact on the environment will not be a cause of public concern.
Direct loss of vegetation	Operations	<ul style="list-style-type: none"> <li>• No earth moving or land clearing is proposed. Lost of vegetation will be minimal/negligible.</li> </ul>	Board’s opinion that the proposed activities will not have a significant adverse impact on the environment will not be a cause of public concern.
Loss of Species at Risk or may be at risk plans	Operations	<ul style="list-style-type: none"> <li>• A search of government databases resulted in no species at risk plant or adjacent to the project area.</li> </ul>	Board’s opinion that the proposed activities will not have a significant adverse impact on the environment will not be a cause of public concern.
Introduction of non native (invasive) species	Operations	<ul style="list-style-type: none"> <li>• All equipment will be thoroughly washed before entering the NWT and/or washed before use on the project. Several invasive species have been identified along the route. An info sheet will be provided to the construction crew outlining the potential invasive species in the area to help identify and mitigate the spread to new areas.</li> </ul>	Board’s opinion that the proposed activities will not have a significant adverse impact on the environment will not be a cause of public concern.

<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>
Increased risk of fire	Operations	<ul style="list-style-type: none"> <li>• Fire index will be monitored. All equipment and vehicles will contain fire extinguishers. If applicable, fire fighting equipment will be present/available in the even elevated fire index warrants.</li> </ul>	Board's opinion that the proposed activities will not have a significant adverse impact on the environment will not be a cause of public concern.
Compaction of vegetation	Operations	<ul style="list-style-type: none"> <li>• Low impact traced equipment is recommended for the use where work cannot be completed from the shoulder of the highway.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:<sup>10</sup> <ul style="list-style-type: none"> <li>○ Natural Drainage</li> <li>○ Repair Erosion</li> <li>○ Prevention of Rutting</li> <li>○ Suspend Overland Travel</li> <li>○ Progressive Reclamation</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 will not be a cause of public concern.
Direct loss or removal of habitat, dens, or nests	Operations	<ul style="list-style-type: none"> <li>• A bird nest/sweep will be conducted prior to construction. No clearing of trees/vegetation will be completed. Buffer zones will be implemented when/if nesting birds are identified in the construction area during the nesting seasons. All project activities are proposed within the existing highway right of way (no new disturbance).</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:<sup>11</sup> <ul style="list-style-type: none"> <li>○ Habitat Damage</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 will not be a cause of public concern.
Loss or removal of keystone species and/or	Operations	<ul style="list-style-type: none"> <li>• No change in habitat (no vegetation clearing, or ground disturbance). Nest sweeps will be done prior to construction activities to ensure no disturbance to avian species that may be in the area.</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

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

<sup>11</sup> See the MLWB Policies and Resources webpage to access the LWB [Standard Land Use Permit Conditions Template](#).

<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>
Species at Risk habitat		<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:<sup>12</sup></li> <li>• Habitat Damage</li> </ul>	the environment will not be a cause of public concern.
Fragmentation of wildlife corridor	Operations	<ul style="list-style-type: none"> <li>• Based upon proposed activities, no fragmentation of wildlife corridors is anticipated.</li> </ul>	It is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment will not be a cause of public concern.
Direct injury or mortality	Operations	<ul style="list-style-type: none"> <li>• When commuting to the worksite, personnel will adhere to the speed limits, and the subject or reducing vehicle-wildlife collisions will be addressed during safety meetings.</li> </ul>	It is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment will not be a cause of public concern.
Disturbance to key lifecycles stages: breeding, feeding, nesting, staging	Operations	<ul style="list-style-type: none"> <li>• A bird nest/sweep will be conducted prior to construction. No clearing of trees/vegetation will be completed. Buffer zones will be implemented when/if nesting birds are identified in the construction area during nesting season.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:<sup>13</sup> <ul style="list-style-type: none"> <li>○ Habitat Damage</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 will not be a cause of public concern.
Effects on traditional land use, subsistence, and harvesting rights	Operations	<ul style="list-style-type: none"> <li>• All work is within the existing highway right of way. No traditional land use, subsistence or harvesting rights are expected to be impeded.</li> </ul>	It is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment will not be a cause of public concern.

<sup>12</sup> See the MLWB Policies and Resources webpage to access the LWB [Standard Land Use Permit Conditions Template](#).

<sup>13</sup> See the MLWB Policies and Resources webpage to access the LWB [Standard Land Use Permit Conditions Template](#).

<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>
Change to or loss of cultural integrity	Operations	<ul style="list-style-type: none"> <li>All project work is within the existing right of way (existing disturbance). No land or earth moving is proposed.</li> </ul>	It is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment will not be a cause of public concern.
Economic opportunities or losses (employment, training)	Operations	<ul style="list-style-type: none"> <li>Reliable high-speed internet will be provided to the community of Dettah. Reliable high-speed internet may provide residents with remote work opportunities which may not have previously been available.</li> </ul>	It is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment will not be a cause of public concern.
Impairment of the aesthetic quality of the land or water	Operations	<ul style="list-style-type: none"> <li>New utility pole heights will not exceed the height of existing pole, no impairment of aesthetic quality is expected. 85% of the proposed poles will be 35' (10.6m) tall. Taller poles up to a maximum of 65' (19.8m) may be required for larger aerial spans to cross obstructions such as saturated soil areas and/or creeks where the line cannot be attached to existing bridges.</li> </ul>	It is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment will not be a cause of public concern.

#### 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.

#### 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 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 26, 2023, the Board can issue the Permit on Monday May 29, 2023.

SIGNATURE



May 17, 2023

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

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**Date**