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June 26, 2023

File: MV2023X0014

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: O'Connor Mine Site Project – Notice of Preliminary Screening Determination – Application for Land Use Permit – Miscellaneous – Akaitcho Region, NT

The Mackenzie Valley Land and Water Board (Board) met on June 22, 2023 and considered the Application Package from Crown Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Directorate (CIRNAC-CARD) for Land Use Permit (Permit) MV2023X0014 for the O'Connor Mine Site (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 MV2023X0014 on **Friday, July 7, 2023**.

The Board and staff look forward to continued communications throughout the pause period. Please contact [Kathy Racher](#) via email or at (867) 766-7457 with any questions or concerns regarding this letter.

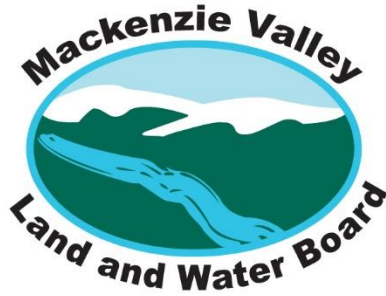
Yours sincerely,

A handwritten signature in blue ink that reads "Tanya MacIntosh". 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
Amy Allen – CARD-CARD

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	MV2023X0014
Company	Crown Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Directorate (CIRNAC-CARD)
Project	O’Connor Project
Location	Akaiicho Region, NT
Activity	Miscellaneous
Date of Decision	June 22, 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 June 22, 2023 to make a preliminary screening determination on the Application from Crown Indigenous Relations Northern Affairs Canada – Contaminants and Remediation Directorate (CIRNAC-CARD) (Applicant) for Land Use Permit MV2023X0014 (Permit)¹ for the O’Connor Mine Site Remediation Project (Project).²

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

¹See MLWB Online Registry www.mvlwb.com for CIRNAC - CARD – [Permit Application – May4 23](#)

² 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	Crown Indigenous Relations Northern Affairs Canada – Contaminants and Remediation Directorate (CIRNAC – CARD_
Application	The complete application package submitted by the Applicant for Land Use Permit MV2023X0014
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	<i>Mackenzie Valley Resource Management Act</i>
Minister	Minister of Northern Affairs
ORS	Online Review System (www.new.onlinereviewssystem.ca)
Party	As per the LWB Rules of Procedures , an applicant, a person, or an organization participating in the regulatory proceeding for the Application.
Project	Miscellaneous, which is the proposed development (as defined in Part 5 of the MVRMA). ³
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
Standard Permit Conditions	LWB Standard Land Use Permit Conditions Template
TG	Tłı̨chǫ Government
TK	Traditional Knowledge
WMP	Waste Management Plan

3.0 Background and Scope of Screening

On March 28, 2023, CIRNAC – CARD submitted an Application for the remediation of a small scale mine site. Proposed work includes, sealing an open mine shaft with a concrete cap, partially backfilling an open exploration trench to remove the fall hazard, demolishing the headframe and site buildings and removing associated materials, collecting hazardous and non-hazardous debris, temporary camp establishment, establishment of trails to various locations on site and other activities.

³ “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 and relationship building commenced in February 19, 2018 and has continued through to March 13, 2023. Engagement was conducted through email, virtual meetings as well as meeting/site visits.

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 Application for the remediation of a small scale mine site. Proposed work includes, sealing an open mine shaft with a concrete cap, partially backfilling an open exploration trench to remove the fall hazard, demolishing the headframe and site buildings and removing associated materials, collecting hazardous and non-hazardous debris, temporary camp establishment, establishment of trails to various locations on site and other activities.

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 May 12, 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 June 1, 2023, with responses from the Applicant due June 7, 2023. The Board received comments and recommendations from Government of the Northwest Territories – Environment and Climate Change, CIRNAC – Inspector, Environment and Climate Change and CIRNAC – Yellowknife (attached).⁴

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.

⁴ See MLWB Online Registry for CIRNAC - CARD – [Review Summary Table – June22_23](#)

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	Operations	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: • Soil contamination is present on site. The Human Health and Ecological Risk Assessment (HHERA) determined that negligible risk remains. However, small quantities of soil (around 2.4 m3) will be removed from site and disposed of. • There is also the potential for spills of hazardous materials to impact soils during the site works. A Spill Contingency Plan is provided with this application which mitigates this risk. • The Board has standard permit conditions that are typically used to mitigate the identified potential impact(s). These standard conditions are found in sections:⁵ <ul style="list-style-type: none"> ○ 26(1)(f) ○ 26(1)(g) ○ 26(1)(m) 	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 or be a cause of public concern.
Soil Compaction - Land	Operations	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: • Areas that may be impacted during the works will be ripped and recontoured to support natural revegetation. • The Board has standard permit conditions that are typically used to mitigate the identified potential impact(s). These standard conditions are found in sections:⁶ <ul style="list-style-type: none"> ○ 26(1)(o) 	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 or be a cause of public concern.

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

⁶ 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
Destabilization/erosion – Land	Operations	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: • Work areas, material staging and construction of temporary infrastructure may be susceptible to erosion. An Erosion and Sediment Control Plan has been compiled and included with this application. • The Board has standard permit conditions that are typically used to mitigate the identified potential impact(s). These standard conditions are found in sections:⁷ <ul style="list-style-type: none"> ○ 26(1)(f) ○ 26(1)(o) 	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 or be a cause of public concern.
Changes in water quality – Groundwater	Operations	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: • There is the potential for spills of hazardous materials to impact the water quality during the works. A Spill Contingency Plan is provided with this application which mitigates this risk. • The Board has standard permit conditions that are typically used to mitigate the identified potential impact(s). These standard conditions are found in sections:⁸ <ul style="list-style-type: none"> ○ 26(1)(g) 	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 or be a cause of public concern.
Changes in air quality – Air	Operations	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: • During works air quality may be impacted by dust from machinery, emissions from equipment and smoke from the burning of waste wood. Impact is expected to be short term, however mitigation measures such as dust suppression will be conducted as required 	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 or be a cause of public concern.

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

⁸ 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
Direct loss of vegetation – Vegetation	Operations	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: • Vegetation disturbance associated with the work is expected to be minimal other than clearance for the camp and access to the various parts of the island. Full details are given in the Closure and Reclamation Plan provided with this application. • The Board has standard permit conditions that are typically used to mitigate the identified potential impact(s). These standard conditions are found in sections:⁹ <ul style="list-style-type: none"> ○ 26(1)(m) ○ 26(1)(o) 	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 or be a cause of public concern.
Introduction of non-native (invasive) species – Vegetation	Operations	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: • To mitigate the risk of importing invasive species to the site, machinery will be inspected for mud and vegetation prior to transport to site and any erosion control materials required (for example straw bales or wattles) will be certified weed free by the manufacturer. 	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 or be a cause of public concern.
Increased risk of fire	Operations	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: • Incineration of waste wood materials will be controlled to mitigate fire risk. • The Board has standard permit conditions that are typically used to mitigate the identified potential impact(s). These standard conditions are found in sections:¹⁰ <ul style="list-style-type: none"> ○ 26(1)(c) 	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 or be a cause of public concern.

⁹ See the MLWB Policies and Resources webpage to access the LWB [Standard Land Use Permit Conditions Template](#).

¹⁰ 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
Direct loss or removal of habitat, dens, or nests – Terrestrial Wildlife Habitat	Operations	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: • Disturbance of the raptor nest present in the headframe. To mitigate this issue, headframe demolition will be completed outside of nesting season. For other areas of the site bird nest sweeps will be conducted (if required depending on time of year) prior to building demolition work and other habitat disturbance such as clearing vegetation for trail construction and camp installation • The Board has standard permit conditions that are typically used to mitigate the identified potential impact(s). These standard conditions are found in sections:¹¹ <ul style="list-style-type: none"> ○ 26(1)(h) 	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 or be a cause of public concern.
Direct injury or mortality – Terrestrial Wildlife Habitat	Operations	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application • The current configuration of the open shaft presents a fall risk to wildlife. The closure objective is to make the site safe for current and expected land use by removing the risk of physical harm. The current depth and configuration of the trench which includes steep and overhanging rock walls with a fall potential greater than 1 m presents a physical hazard to wildlife. The closure objective is to make the site safe for current and expected land use by reducing the height and steepness of the trench walls. The objectives of addressing the headframe are to make the site safe for current and expected land use by removing the risk of physical harm to wildlife from building collapse and contact with associated hazardous and non-hazardous waste materials. Removing the building and waste materials completely will also eliminate the requirement for any long-term monitoring. 	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 or be a cause of public concern.

¹¹ 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
Human-wildlife conflicts	Operations	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application • During this project there will be a wildlife monitor or manager on site. 	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 or be a cause of public concern.
Change to or loss of heritage resource – Cultural Integrity and Heritage Resources	Operations	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: • An Archaeological Impact Assessment was carried out on site. Subsurface testing identified a positive test for cultural materials (a single stone flake) at one location south of Outhouse 1 and a buffer zone has been defined around it. • The Board has standard permit conditions that are typically used to mitigate the identified potential impact(s). These standard conditions are found in sections:¹² <ul style="list-style-type: none"> ○ 26(1)(j) 	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 or be a cause of public concern.

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

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. More detailed consideration of specific potential impacts and associated mitigations related to are discussed below in subsections 4.1.1 to 4.1.2. 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.

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 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 Thursday July 6, 2023, the Board can issue the Permit on Friday, July 7, 2023.

SIGNATURE



June 26, 2023

Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

Date