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July 28, 2023

File: MV2023X0015

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: Department of Fisheries and Oceans – Notice of Preliminary Screening Determination – Application for Land Use Permit – Miscellaneous – Robertson Drive Wharf, Yellowknife, NT**

The Mackenzie Valley Land and Water Board (Board) met on July 27, 2023, and considered the Application Package from the Department of Fisheries and Oceans (DFO) for Land Use Permit (Permit) MV2023X0015 for the geotechnical drilling investigations located at Robertson Drive Wharf (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 MV2023X0015 on **Tuesday August 8, 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.

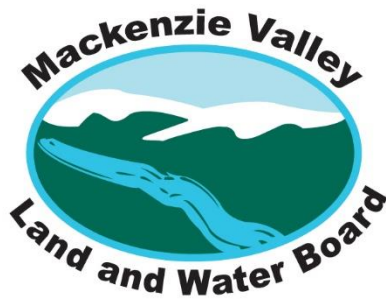
Yours sincerely,

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  
Chris McDermid – Department of Fisheries and Oceans

Attached: Preliminary Screening Determination and Reasons for Decision



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## Preliminary Screening Determination and Reasons for Decision

Land Use Permit Application	
<b>File Number</b>	MV2023X0015
<b>Company</b>	Department of Fisheries and Oceans
<b>Project</b>	Robertson Drive Wharf – Drilling Investigation
<b>Location</b>	Robertson Drive Wharf, Yellowknife, NT
<b>Activity</b>	Miscellaneous
<b>Date of Decision</b>	July 27, 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 July 27, 2023 to make a preliminary screening determination on the Application from Department of Fisheries and Oceans (DFO or Applicant) for Land Use Permit MV2023X0015 (Permit)<sup>1</sup> for the Robertson Drive Wharf (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 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.

<sup>1</sup> See MLWB Online Registry [www.mvlwb.com](http://www.mvlwb.com) for [DFO – Permit Application – May18 23](#).

<sup>2</sup> The Project is the Robertson Drive Wharf – Drilling Investigation, 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 determination, including reasons for its decision, are detailed in sections [3.0](#) and [4.0](#).

## 2.0 List of Defined Terms and Acronyms

Applicant	Department of Fisheries and Oceans
Application	The complete application package submitted by the Applicant for Land Use Permit MV2023X0015.
Board	Mackenzie Valley Land and Water Board
GNWT	Government of the Northwest Territories
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	Robertson Drive Wharf, which is the proposed development (as defined in Part 5 of the MVRMA). <sup>3</sup>
Review Board	Mackenzie Valley Environmental Impact Review Board
Standard Permit Conditions	LWB <a href="#">Standard Land Use Permit Conditions Template</a>

## 3.0 Background and Scope of Screening

On May 18, 2023, the Applicant submitted an Application for a feasibility study for the rehabilitation and expansion of the existing Con Mine Wharf. The existing wharf is experiencing localized structural failures and several areas of subsidence. It is the desire to expand the wharf structure at the existing location to a 110-m long wharf to accommodate several vessels ranging from 12m to 18m in length. The location of the expansion would be either to the north or south of the existing wharf. A breakwater is also being considered but it is not part of the current scope of the geotechnical work being proposed.

A small geotechnical drill program is proposed, consisting of drilling of boreholes through the existing wharf to characterize the fill materials and bedrock below. Water for drilling will be drawn from Great Slave Lake, however, the amount of water required for the completion of the drill program is below the triggered limits outlined in legislation.

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

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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.”

proposed Project is 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:**

#### New Areas and Activities:

The existing wharf is experiencing localized structural failures and several areas of subsidence. It is the desire to expand the wharf structure at the existing location to a 110-m long wharf to accommodate several vessels ranging from 12m to 18m in length. The location of the expansion would be either to the north or south of the existing wharf. A breakwater is also being considered but it is not part of the current scope of the geotechnical work being proposed.

A small geotechnical drill program is proposed, consisting of drilling of boreholes through the existing wharf to characterize the fill materials and bedrock below. Water for drilling will be drawn from Great Slave Lake.

### **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 June 26, 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 July 12, 2023, with responses from the Applicant due July 17, 2023. The Board received comments and recommendations from Government of the Northwest Territories (GNWT) – Department of Lands, Transport Canada, and GNWT – Environment and Climate Change (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 [Department of Fisheries and Oceans – Robertson Dr Wharf – Drilling Investigations](#).

#### **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
Abiotic Components – Land – Soil Contamination	Operation	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Application, potential soil contamination could occur due to a hydrocarbon spill. Any such spills will be immediately contained and cleaned up as per the Project Spill Contingency Plan.</li> <li>• The Board has a standard permit that are typically used to mitigate the identified potential impact. These standard conditions are found in the following section(s):<sup>5</sup> <ul style="list-style-type: none"> <li>○ 26(1)(g)</li> <li>○ 26(1)(m)</li> </ul> </li> </ul>	<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, or will not be a cause of public concern.</p> <p>The project location is already highly disturbed. The proposed activities are short-term and will be carried out by experienced contractors. Limited fuel will be on site, no fuel transfers will occur on site, and any accidents should be easily mitigated through Permit conditions and protocols identified in the Spill Contingency Plan.</p>
Abiotic Components – Surface Water	Operations	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Application, potential surface water contamination could occur due to a hydrocarbon spill. Any such spills will be immediately contained and cleaned up as per the Project Spill Contingency Plan.</li> <li>• The Board has a standard permit that are typically used to mitigate the identified potential impact. These standard conditions are found in the following section(s): <ul style="list-style-type: none"> <li>○ 26(1)(g)</li> <li>○ 26(1)(m)</li> </ul> </li> </ul>	<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, or will not be a cause of public concern.</p> <p>The project location is already highly disturbed. The proposed activities are short-term and will be carried out by</p>

<sup>5</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>
			experienced contractors. Limited fuel will be on site, no fuel transfers will occur on site, and any accidents should be easily mitigated through Permit conditions and protocols identified in the Spill Contingency Plan.
Abiotic Components – Air – Changes in air quality	Operations	<ul style="list-style-type: none"> <li>The Applicant indicated that due to the temporary and localized air emissions from drilling equipment and/or support vehicles, no mitigation is necessary.</li> </ul>	<p>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, or will not be a cause of public concern.</p> <p>The project location is already highly disturbed. The proposed activities are short-term and will be carried out by experienced contractors. Limited equipment will be on site for a short period of time.</p>
Abiotic Components – Air – Increase Greenhouse Gasses	Operations	<ul style="list-style-type: none"> <li>The Applicant indicated that due to the temporary and localized air emissions from drilling equipment and/or support vehicles, no mitigation is necessary.</li> </ul>	<p>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, or will not be a cause of public concern.</p> <p>The project location is already highly disturbed. The proposed activities are short-term and will be carried out by experienced contractors. Limited equipment will be on site for a short period of time.</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 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 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 25(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 Monday August 7, 2023, the Board can issue the Permit on Tuesday August 8, 2023.

SIGNATURE



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

July 28, 2023

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**Date**