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July 28, 2023

File: MV2023X0019

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: Housing Northwest Territories – Notice of Preliminary Screening Determination – Application for Land Use Permit – Miscellaneous – Yellowknife, NT

The Mackenzie Valley Land and Water Board (Board) met on July 27, 2023 and considered the Application from Housing Northwest Territories for Land Use Permit (Permit) MV2023X0019 for the 50th Street Site Assessment 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 MV2023X0019 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
Patrick Wong, Housing NWT
Clint Ambrose, GNWT Resource Management Officer

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	MV2023X0019
Company	Housing Northwest Territories
Project	Geotechnical and Environmental Site Assessment
Location	Yellowknife, NT
Activity	Miscellaneous
Date of Decision	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 (MVLWB or Board) met on July 27, 2023 to make a preliminary screening determination on the Application from Housing Northwest Territories (Housing NWT or Applicant) for Land Use Permit MV2023X0019 (Permit)¹ for the 50th Street Geotechnical and Environmental Site Assessment (the 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 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.

¹ See MVLWB Online Registry www.mvlwb.com for [Housing NWT – Updated Permit Application – June22 23](#).

² The Project is the 50th Street Geotechnical and Environmental Site Assessment, 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	Housing Northwest Territories
Application	The complete application package submitted by the Applicant for Land Use Permit MV2023X0019
Board	Mackenzie Valley Land and Water Board
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>
ORS	Online Review System (www.new.onlinereviewsystem.ca)
Project	50 th Street Geotechnical and Environmental Site Assessment, which is the proposed development (as defined in Part 5 of the MVRMA).
Review Board	Mackenzie Valley Environmental Impact Review Board
Standard Permit Conditions	LWB Standard Land Use Permit Conditions Template

3.0 Background and Scope of Screening

Housing NWT applied to complete geotechnical and environmental site assessments at lots 8 through 10 at 5016, 5018, and 5022 50th Street, Yellowknife, NT on June 12, 2023. The long-term plan is to build a new six story multi use building. Before doing so, a geotechnical drilling program and soil sampling program is required to determine recommendations for the design and construction of the new building. Once complete, a Phase II ESA report detailing the site history, sampling program, methods, and laboratory analytical results will be completed.

Over several days, an auger drill rig (track-mounted auger drill rig operated by Northtech Drilling Ltd. from Yellowknife) will be used to collect soil samples, standard penetration testing and other geotechnical information. Thermistor cables will be installed in one or two boreholes to permit the measurement of ground temperature. A standpipe piezometer will be installed in one or two boreholes to permit the measurement of groundwater, if encountered. Soil and groundwater will be sampled for benzene, toluene, ethylbenzene, and xylenes (BTEX), petroleum hydrocarbon fractions F1 to F4 (F1-F4); polycyclic aromatic hydrocarbons, volatile organic carbons, metals, and other relevant environmental indicators.

An Engagement Record and Engagement Plan were included in the Application. Housing NWT noted they engaged with the following Parties:

- Akaitcho Territory Government
- Yellowknives Dene First Nation (Dettah and Ndilo)
- Tłı̨chǫ Government
- North Slave Métis Alliance
- Neighboring Business Owners (Gold Range Bistro and Raven Pub)
- City of Yellowknife
- Centre Square Mall Visitor Information Centre

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 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:

Lots 8 through 10 at 5016, 5018, and 5022 50th Street in downtown Yellowknife, NT, will be subject to a short-term drill program to determine geotechnical and environmental characteristics of the site prior to development. Equipment required includes only one auger drill. Any wastes generated by the geotechnical drill program will be removed from site or returned downhole.

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 22, 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. Comments were due on July 11, 2023, with responses from the Applicant due July 17, 2023. The Board received comments and recommendations from the GNWT – ECC Resource Management Officer (attached).³

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.

³ See MVLWB Online Registry www.mvlwb.com for [Housing NWT – Updated Permit Application – June22_23](#).

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	Drilling – hydrocarbon spill	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: Any such spills will be immediately contained and cleaned up as per the Project Spill Contingency Plan. • The Board has standard permit conditions that are typically used to mitigate the identified potential impact. These standard conditions include:⁴ <ul style="list-style-type: none"> ○ WASTE PETROLEUM DISPOSAL ○ FUEL CONTAINMENT ○ MAXIMUM FUEL ON SITE ○ SPILL CONTINGENCY PLAN ○ SPILL RESPONSE ○ DRIP TRAYS ○ CLEAN UP SPILLS ○ REPORT 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 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>
Soil Contamination	Drilling – Drill waste	<ul style="list-style-type: none"> • The Board has standard permit conditions that are typically used to mitigate the identified potential impact. These standard conditions include: <ul style="list-style-type: none"> ○ DRILLING WASTE DISPOSAL ○ DRILLING WASTE CONTAINMENT 	<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, and 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 drilling will occur on site, and any unexpected events should be easily</p>

⁴ See the MVLWB 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
			mitigated through Permit conditions and protocols identified in the Spill Contingency Plan and Waste Management Plan.
Water Table Alterations	Drilling – Flowing well	<ul style="list-style-type: none"> • The Board has standard permit conditions that are typically used to mitigate the identified potential impact. These standard conditions include: <ul style="list-style-type: none"> ○ FLOWING ARTESIAN WELL 	<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, and 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 drilling will occur on site, and any unexpected events should be easily mitigated through Permit conditions and protocols identified in the Spill Contingency Plan.</p>
Permafrost Loss		<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: drill holes will be backfilled with the drill cuttings and sealed. 	<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, and 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.</p>

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
Changes in Air Quality and Greenhouse Gasses	Use of Equipment	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: Temporary, localized activities. • The Board has standard permit conditions that are typically used to mitigate the identified potential impact. These standard conditions include: <ul style="list-style-type: none"> ○ USE APPROVED EQUIPMENT 	<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, and 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 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 considered 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 Monday August 7, 2023, the Board can issue the Permit on Tuesday August 8, 2023.

SIGNATURE



Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

July 28, 2023

Date