

7th Floor - 4922 48th Street
PO Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610
www.mvlwb.com

July 15, 2024

File: MV2023X0024

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: Public Services and Procurement Canada – Notice of Preliminary Screening Determination –Application for Land Use Permit– Confirmation Soil Sampling and Phase II Environmental Site Assessment – Fort Simpson, NT

The Mackenzie Valley Land and Water Board (Board) met on July 11, 2024, and considered the Application Package from Public Services and Procurement Canada (PSPC) for Land Use Permit (Permit) MV2023X0024 for the Confirmation Soil Sampling and Phase II Environmental Site Assessment (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 MV2023X0024 on **Friday, July 26, 2024**.

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.

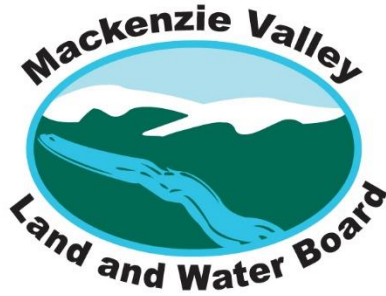
Yours sincerely,

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: Dehcho Distribution List
Matt Irvine – Public Services and Procurement Canada
Shaun Michael Lamoureux – SLR

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	MV2023X0024
Company	Public Services and Procurement Canada
Project	Fort Simpson Confirmation Soil Sampling and Phase II Environmental Site Assessment of PSPC Residential Properties 9818 101st Street and 9606 102nd Street
Location	Fort Simpson, NT
Activity	Miscellaneous – Environmental Site Assessment
Date of Decision	July 11, 2024

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 11, 2024, to make a preliminary screening determination on the Application from Public Services and Procurement Canada (PSPC or Applicant) for Type A Land Use Permit MV2023X0024 (Permit)¹ to complete environmental drilling and remediation excavation work (the Project).

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 [PSPC – Permit Application – May28_24](#).

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

2.0 List of Defined Terms and Acronyms

Applicant	Public Services and Procurement Canada
Application	The complete application package submitted by the Applicant for Land Use Permit MV2023X0024.
Board	Mackenzie Valley Land and Water Board
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada
DFO	Department of Fisheries and Oceans Canada
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	Mackenzie Valley Resource Management Act
ORS	Online Review System (www.new.onlinereviewssystem.ca)
Project	To complete environmental drilling and remediation excavation work, which is the proposed development (as defined in Part 5 of the MVRMA). ²
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

PSPC has submitted a complete Application for a Permit to complete environmental drilling and remediation excavation work (the Project) proposed at two PSPC owned residential units in Fort Simpson, NT. The Project will include:

- Excavation of PHC impacted soils at two residential units (9818 101st Street Fort Simpson and 9606 102nd Street Fort Simpson);
- Transport excavated soils to KBL Yellowknife soil treatment facility;
- Drill three groundwater monitoring wells to a depth of 8 m at one of the residential units (9606 102nd Street Fort Simpson);
 - o Long term monitoring of groundwater levels and concentrations of select parameters (anticipated for up to three to five years seasonally);
- Geotechnical and structural monitoring of excavation works; and
- Fill excavation and revegetate any disturbed areas if required.

In future years (years 2 to 5), PSPC is anticipating the Project will include:

² “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.”

- Drilling boreholes to depths of approximately 5 m to collect soil samples, with select boreholes completed as monitoring wells;
- Archeological digs and/or studies if triggered by work or site observations; and
- Any further excavations of contaminated soils and removal to KBL Yellowknife.

No camp is required as accommodations will be provided by local businesses. It is anticipated that the 2024 portion of the Project will last approximately 5-7 days with a maximum of 5 people on site at any given time. This will be similar in future years.

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:

Activities:

- Excavation of PHC impacted soils at two residential units (9818 101st Street Fort Simpson and 9606 102nd Street Fort Simpson);
- Transport excavated soils off site;
- Drill and install groundwater monitoring wells;
- Long term monitoring of groundwater levels (anticipated for up to three to five years seasonally);
- Closure and reclamation work:
 - o Fill excavation and revegetate any disturbed areas if required;
 - o Surface scarification, amendment and seeding of soil potentially compacted by heavy equipment;
 - o Backfilling excavation with local unimpacted soils and seeding/amending any sod that was removed during the excavation; and
 - o Capping-off any old fuel lines.

Equipment

- 1 small to medium truck mounted drill rig for the boreholes and groundwater wells;
- 2 pick-up trucks for transportation needs;
- 1 trailer to move equipment;
- 1 small excavator or rubbered tired backhoe for test pitting and minor soil removal; and
- 1 tandem dump truck to transport soils to the offsite disposal facility.
- 1 tidy tank (230 L) of diesel and 1 jerry can (30 L) of gasoline.

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 6, 2024, 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 24, 2024, with responses from the Applicant due July 2, 2024. The Board received comments and recommendations from Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Department of Fisheries and Oceans Canada (DFO), and Government of the Northwest Territories – Environment and Climate Change (GNWT-ECC) (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 section 27, paragraphs (a) and (b) of the [Dehcho First Nations \(DCFN\) Interim Measures Agreement](#),⁴ the Board has determined that written notice was given to the DCFN, and that a reasonable period of time was allowed for DCFN 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 for [Public Services and Procurement Canada – Type B Permit – Soil Sampling and Phase II Environmental Site Assessment](#)

⁴ See MVLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Dehcho First Nations Interim Measures Agreement](#).

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 and compaction	Clearing of timber, brush, or vegetation mat, bulk soil sampling	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Applications: <ul style="list-style-type: none"> ○ Small scale removal of some branches from the trees in front of 9606 102nd Street. Tree not removed. Branches removed to local waste facility as per waste management plan. App. 10 m² of sod removed during emergency excavation to be seeded once backfilled. ○ Soil sampling will be completed within the excavation on the side walls and base and therefore is part of the excavation impact. • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ LOCATION OF ACTIVITIES ○ REPAIR LEAKS ○ FUEL CACHE SECONDARY CONTAINMENT ○ SECONDARY CONTAINMENT – REFUELING ○ FUEL CONTAINMENT ○ FUEL ON LAND ○ MAXIMUM FUEL ON SITE ○ SEAL OUTLET ○ SPILL CONTINGENCY PLAN ○ SPILL RESPONSE ○ DRIP TRAYS ○ CLEAN UP SPILLS ○ REPORT SPILLS ○ MINIMIZE AREA CLEARED 	<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, and renewable resources, and will not be a cause of public concern.</p> <p>The rationale for this decision is based on the limited scope of the project and its intent is to improve soil conditions by remediate impacted material.</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
Destabilization, erosion, change in soil structure, inability to support vegetation, other	Trenching, drilling, on-site storage of wastes, transfer, storage, and use of petroleum products and/or chemicals, use of motorized and heavy equipment	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Applications: <ul style="list-style-type: none"> ○ Excavation directly adjacent to the foundation of 9606 102nd Street. ○ Domestic garbage will be collected and placed in the garbage receptacles at the property or removed to landfill. Refer to waste management plan for detailed review of waste management. ○ Refer to Spill Contingency Plan. No fuel stored on-site. Equipment fueled from Tidy tanks in pick ups, if required using drip trays. ○ Any grass sod compacted by access of equipment will be raked and reseeded to promote revegetation. • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ LOCATION OF ACTIVITIES ○ REPAIR LEAKS ○ FUEL CACHE SECONDARY CONTAINMENT ○ SECONDARY CONTAINMENT – REFUELING ○ FUEL CONTAINMENT ○ FUEL ON LAND ○ MAXIMUM FUEL ON SITE ○ SEAL OUTLET ○ 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, and renewable resources, and will not be a cause of public concern.</p> <p>The rationale for this decision is based on the limited scope of the project and its intent is to improve soil conditions by remediate impacted material.</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
		<ul style="list-style-type: none"> ○ MINIMIZE AREA CLEARED 	
Abiotic Components - Groundwater			
Water table alteration, infiltration changes, changes in water quality, temperature changes, other	Withdrawal of groundwater, trenching, drilling, clearing timber, brush, or vegetation mat, stripping of overburden, transfer, storage, and use of petroleum products and/or chemicals	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Applications: <ul style="list-style-type: none"> ○ Three groundwater wells will require development, purging and sampling the volume of groundwater removed will not affect the underlying aquifer. See waste management plan for disposal of such waters. ○ Trenching is only to 3 mbgs and is not near the groundwater table. Removal of soils to protect the groundwater table. ○ Three groundwater wells are to be installed at 9606 102nd St. Refer to spill contingency plan. All groundwater wells will be capped when not in use and lids locked within ground boxes. ○ Removal of a few branches from tree in front of 9606 102nd st. will not affect groundwater or surface water. Areas potentially compacted from heavy equipment use will be raked and re-seeded so no change in surface water infiltration. ○ Stripping of 10 m2 of overburden at the location of the fuel oil release for 9606 102nd st. will be re-seeded so infiltration will be same as prior to work. ○ Refer to spill contingency plan for fueling of equipment from portable tidy tanks in pickup trucks. • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ LOCATION OF ACTIVITIES 	<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, and renewable resources, and will not be a cause of public concern.</p> <p>The rationale for this decision is based on the limited scope of the project and its intent is to improve soil conditions by remediate impacted material.</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
		<ul style="list-style-type: none"> ○ REPAIR LEAKS ○ FUEL CACHE SECONDARY CONTAINMENT ○ SECONDARY CONTAINMENT – REFUELING ○ FUEL CONTAINMENT ○ FUEL ON LAND ○ MAXIMUM FUEL ON SITE ○ SEAL OUTLET ○ SPILL CONTINGENCY PLAN ○ SPILL RESPONSE ○ DRIP TRAYS ○ CLEAN UP SPILLS ○ REPORT SPILLS ○ MINIMIZE AREA CLEARED ○ PARALLEL WATERCOURSE SETBACK ○ EQUIPMENT: WATERCOURSE SETBACK ○ EXCAVATION SETBACK ○ DRILLING NEAR WATER OR ON ICE ○ WASTE CHEMICAL DISPOSAL ○ WASTE PETROLEUM DISPOSAL 	
Abiotic Components - Air			
Changes in air quality, harm to living things, increased greenhouse gases, other	Burning of fossil fuels, mobilization and operation of equipment for construction and operational activities, increased road traffic	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Applications: <ul style="list-style-type: none"> ○ Small amounts of dust related to excavation of up to 25 m3 of soil and mobilization of equipment on property. Dust to be minimized by the use of dust suppression water during excavation and back fill works and avoiding abrupt changes in direction by heavy equipment that damage top soil. ○ The diesel and gasoline burned to complete the project will not have an effect on the local air quality. No idling of 	<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, and renewable resources, and will not be a cause of public concern.</p> <p>The rationale for this decision is based on the limited scope of the project and its</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
		vehicles will be allowed to minimize CO and CO2 emissions. <ul style="list-style-type: none"> ○ Moderate in extent and duration. Highest congestion will be when heavy equipment is mobilized by tractor and trailer to site. All such equipment shall be guided by a pilot truck when travelling in residential areas. 	intent is to improve soil conditions by remediate impacted material.
Biotic Components - Vegetation			
Direct loss of vegetation	Clearing of timber, brush, or vegetation mat, stripping of overburden, reclamation activities, Use of motorized and heavy equipment, Increased road traffic, transfer, storage, and use of petroleum products and/or chemicals, excavation or stockpiling of earth and/or gravel	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Applications: <ul style="list-style-type: none"> ○ Limited to a few branches cut from yard tree. ○ Limited to sod from a private lawn. ○ Revegetation will be limited to planting grasses on the excavation limits and areas potentially disturbed by heavy equipment access. Use local seed mixture. ○ Equipment is to be clean prior to mobilization to site to prevent potential introduction of invasive species. ○ Minor increase for small period of time for traffic not to affect vegetation. ○ Re-fueling of equipment is to be via a tidy tank in a truck, if required. All light duty to fuel at gas station. Refer to spill contingency plan for details regarding fuel transfer. ○ Stockpiling not occurring as soil transported off site and back fill directly placed. • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ HABITAT DAMAGE 	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, and renewable resources, and will not be a cause of public concern. The rationale for this decision is based on the limited scope of the project and its intent is to improve soil conditions by remediate impacted material.

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
Biotic Components – Terrestrial Wildlife Habitat			
Direct loss or removal of habitat, Disturbances to key lifecycle stages: breeding, feeding, nesting, staging	Clearing of timber, brush, or vegetation mat, stripping overburden, increased traffic risk to wildlife, increased human presence, noise, transfer, storage, and use of petroleum products and/or chemicals, on-site storage of wastes	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Applications: <ul style="list-style-type: none"> ○ Will examine tree prior to any removal of branches to make sure no nesting birds in. ○ Stripping of residential lawn will not pose a risk to wildlife. ○ Traffic increase is very minimal and limited to existing roads and developed areas. Not anticipated to affect wildlife. ○ Noise is created in an existing urban area. And is short in duration. Not anticipated to affect local wildlife. ○ Spill contingency plan. ○ Refer to waste management plan. Garbage will not be left so as to cause an animal attractant. ○ Will examine tree prior to any removal of branches to make sure no nesting birds in location. ○ Stripping of residential lawn will not pose a risk to wildlife. • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ HABITAT DAMAGE ○ WASTE MANAGEMENT PLAN ○ SPILL CONTINGENCY PLAN ○ GARBAGE CONTAINER 	<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, and renewable resources, and will not be a cause of public concern.</p> <p>The rationale for this decision is based on the limited scope of the project and its intent is to improve soil conditions by remediate impacted material.</p>
Social and Economic Well-being			
Increased human health hazard and risk	Noise, transfer, storage, and use of petroleum products and/or chemicals, on-site storage of wastes,	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Applications: <ul style="list-style-type: none"> ○ Limited noise not expected to affect social and economic wellbeing. Limit work to hours allowed by municipality. ○ Fueling equipment from a tidy tank not expected to affect social and economic wellbeing. Limit work to hours allowed 	<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, and renewable resources, and will not be a cause of public concern.</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
	increased human access and presence	<p>by Municipality.</p> <ul style="list-style-type: none"> ○ Proper storage of domestic waste not expected to affect social and economic wellbeing. Limit work to hours allowed by municipality. ○ Limited and short term increased human access and presence is not expected to affect social and economic wellbeing. Limit work to hours allowed by municipality. 	The rationale for this decision is based on the limited scope of the project and its intent is to improve soil conditions by remediate impacted material.

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 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 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 Thursday July 25, 2024, the Board can issue the Permit on Friday July 26, 2024.

SIGNATURE



Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

July 15, 2024

Date