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December 1, 2023

File: MV2023X0029

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: Government of the Northwest Territories – Department of Infrastructure – Notice of Preliminary Screening Determination – Application for Land Use Permit – Dehcho, NT

The Mackenzie Valley Land and Water Board (Board) met on November 30, 2023 and considered the Application Package from Government of the Northwest Territories – Department of Infrastructure (GNWT – INF) for Land Use Permit (Permit) MV2023X0029 for the Fort Providence/Kakisa Transmission 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 MV2023X0029 on **Tuesday, December 12, 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: Dehcho Distribution List
Loretta Ransom – Advisor, Energy Funding, Research and Development, Energy
Division, GNWT – INF

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 | MV2023X0029 |
| Company | Government of the Northwest Territories – Department of Infrastructure |
| Project | Transmission Line |
| Location | Hay River to Fort Providence, NT |
| Activity | Miscellaneous |
| Date of Decision | November 30, 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 November 30, 2023 to make a preliminary screening determination on the Application from the Government of the Northwest Territories – Department of Infrastructure (GNWT – INF)(Applicant) for Land Use Permit MV2023X0029 (Permit)¹ for the Transmission Line (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 will not have a significant adverse impact on the environment or be cause of public concern.

¹See MLWB Online Registry www.mvlwb.com for GNWT – INF – Transmission Line – [Permit Application – Oct3 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 determination, including reasons for its decision, are detailed in sections [3.0](#) and [4.0](#).

2.0 List of Defined Terms and Acronyms

| | |
|----------------------------|--|
| Applicant | Government of the Northwest Territories – Department of Infrastructure |
| Application | The complete application package submitted by the Applicant Land Use Permit MV2023X0029. |
| 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 | Mackenzie Valley Resource Management Act |
| Minister | Minister of the Government of the Northwest Territories – Environment and Climate Change |
| ORS | Online Review System (www.new.onlinereviewssystem.ca) |
| Party | As per the LWB Rules of Procedure , 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 |
| WMP | Waste Management Plan |

3.0 Background and Scope of Screening

On October 3, 2023, GNWT – INF submitted an application to connect the Taltson Hydroelectric grid in Hay River to Fort Providence. The connection will start outside of Hay River and then follow the existing right of way operated by the Department of Infrastructure. The GNWT – INF will build the line and then it will be transferred over to the Project stake holders which include, NT Energy (owned by GNWT), Northwest Territories Power Corporation (owned by GNWT) and Northland Utilities (owned by Atco Ltd. and Denedeh Investments Inc.).

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.”

On October 13, 2023, the Application was circulated for public review on the Online Review System (ORS). By November 9, 2023, comments and recommendations were received from the following:

- Ts'ueh Nda First Nation;
- GNWT – ECC (Inspector);
- Łíídlı́ Kúé First Nation;
- Kát'odeeche First Nation;
- Transport Canada; and
- GNWT – Prince of Wales Northern Heritage Centre.

GNWT - INF responded by November 16, 2023.

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:

New Areas and Activities:

The Government of the Northwest Territories is proposing to build a 170 km transmission line to provide hydroelectric power from the existing Taltson hydroelectric system to the communities of Fort Providence and Kakisa, as well as the Dory Point area. The transmission line is to be built in the right of way established by the GNWT – Department of Infrastructure. The proposed operation includes the following activities:

- a) Use of equipment and machines;
- b) Use of drills and augers;
- c) Clearing vegetation;
- d) Use of explosives; and
- e) Use and storage of fuel.

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 October 13, 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 November 9, 2023, with responses from the Applicant due November 16, 2023. The Board received comments and recommendations from Tsueh Nda First Nation, GNWT – ECC, Łíídlı́ Kúé First Nation, Kát'odeeche First Nation, Transport Canada, and GNWT – Prince of Wales Northern Heritage Centre (attached).⁴

⁴ See [MVLWB] Online Registry for [GNWT – INF – Transmission Line– Review Summary Table – Dec 1 23](#).

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 [Northwest Territory Métis Nation \(NWTMN\) Interim Measures Agreement](#),⁵ 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 section 27, paragraphs (a) and (b) of the [Dehcho First Nations \(DCFN\) Interim Measures Agreement](#),⁶ 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.

⁵ See MLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Northwest Territory Métis Nation Interim Measures Agreement](#).

⁶ See MLWB 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 |
|--|-----------------|--|---|
| Soil Contamination | Operations | <ul style="list-style-type: none"> • The Applicant proposed the following mitigation: <ul style="list-style-type: none"> ○ Spill Contingency Plan • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions are included in section(s):⁷ <ul style="list-style-type: none"> ○ 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 | Operations | <ul style="list-style-type: none"> • The Applicant proposed the following mitigation: <ul style="list-style-type: none"> ○ Restrict access to existing roads and developed areas ○ Adhere to permit conditions regarding rutting and erosion control • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions are included in section(s):⁸ <ul style="list-style-type: none"> ○ 26(1)(f) | 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. |
| Loss or change in extent – Permafrost | Operations | <ul style="list-style-type: none"> • As the project is located in an area of discontinuous permafrost, and drill and auger holes will typically be less than 5 metres deep, impacts to permafrost will be negligible. | 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. |
| Water flow or level changes (permanent, temporary, | Operations | <ul style="list-style-type: none"> • The Applicant proposed the following mitigation: <ul style="list-style-type: none"> ○ Restrict access to existing roads and developed areas ○ Adhere to permit conditions regarding rutting and erosion control • The Board has standard permit conditions that are typically used to | 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 |

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 |
|--|------------|---|---|
| seasonal) – Surface Water | | mitigate the identified potential impacts. These standard conditions are included in section(s): ⁹ ○ 26(1)(f) | concern. |
| Drainage pattern changes – Surface Water | Operations | <ul style="list-style-type: none"> • The Applicant proposed the following mitigation: <ul style="list-style-type: none"> ○ Restrict access to existing roads and developed areas ○ Adhere to permit conditions regarding rutting and erosion control • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions are included in section(s):¹⁰ <ul style="list-style-type: none"> ○ 26(1)(f) | 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 – Surface Water | Operations | <ul style="list-style-type: none"> • The Applicant proposed the following mitigation: <ul style="list-style-type: none"> ○ Restrict access to existing roads and developed areas ○ Adhere to permit conditions regarding rutting and erosion control • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions are included in section(s):¹¹ <ul style="list-style-type: none"> ○ 26(1)(f) | 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 greenhouse gasses – Air | Operations | <ul style="list-style-type: none"> • Greenhouse gases will be produced by the heavy equipment. However, the resting provision of hydroelectricity to the communities of Kakisa and Fort Providence will lead to substantial reductions in greenhouse gas emissions from the existing diesel generators. | 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](#).

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 |
|--|------------|--|---|
| Direct loss of vegetation – Vegetation | Operations | <ul style="list-style-type: none"> • The Applicant proposed the following mitigation: <ul style="list-style-type: none"> ○ Restrict access to existing roads and developed areas • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions are included in section(s):¹² <ul style="list-style-type: none"> ○ 26(1)(a) ○ 26(1)(f) | 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 mitigation: <ul style="list-style-type: none"> ○ Equipment will be washed prior to mobilization. | 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. |
| Compaction of vegetation - Vegetation | Operations | <ul style="list-style-type: none"> • The Applicant proposed the following mitigation: <ul style="list-style-type: none"> ○ Restrict access to existing roads and developed areas • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions are included in section(s):¹³ <ul style="list-style-type: none"> ○ 26(1)(a) | 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 loss or removal of habitat, dens, or nests – Terrestrial Wildlife Habitat | Operations | <ul style="list-style-type: none"> • The Applicant proposed the following mitigation: <ul style="list-style-type: none"> ○ Wildlife Management and Monitoring Plan ○ Bird Protection Plan • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions are | 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](#).

¹³ 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 |
|---|------------|--|---|
| | | included in section(s): ¹⁴ <ul style="list-style-type: none"> ○ 26(1)(h) | |
| Direct injury or mortality – Terrestrial Wildlife Habitat | Operations | <ul style="list-style-type: none"> • The Applicant proposed the following mitigation: <ul style="list-style-type: none"> ○ Wildlife Management and Monitoring Plan ○ Bird Protection Plan • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions are included in section(s):¹⁵ <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. |
| Disturbances to key lifecycles stages: breeding, feeding, nesting, staging – Terrestrial Wildlife Habitat | Operations | <ul style="list-style-type: none"> • The Applicant proposed the following mitigation: <ul style="list-style-type: none"> ○ Wildlife Management and Monitoring Plan ○ Bird Protection Plan • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions are included in section(s):¹⁶ <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. |
| Human-wildlife conflicts – Terrestrial Wildlife Habitat | Operations | <ul style="list-style-type: none"> • The Applicant proposed the following mitigation: <ul style="list-style-type: none"> ○ Wildlife Management and Monitoring Plan ○ Waste Management Plan • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions are included in section(s):¹⁷ | 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. |

¹⁴ See the MLWB Policies and Resources webpage to access the LWB [Standard Land Use Permit Conditions Template](#).

¹⁵ See the MLWB Policies and Resources webpage to access the LWB [Standard Land Use Permit Conditions Template](#).

¹⁶ See the MLWB Policies and Resources webpage to access the LWB [Standard Land Use Permit Conditions Template](#).

¹⁷ 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"> ○ 26 (1)(g) ○ 26(1)(h) ○ 26(1)(i) | |
| Effects on population abundance – Aquatic Habitat | Operations | <ul style="list-style-type: none"> • The Applicant proposed the following mitigation: <ul style="list-style-type: none"> ○ Adhere to permit conditions regarding rutting and erosion control • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions are included in section(s):¹⁸ <ul style="list-style-type: none"> ○ 26(1)(f) | 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 mitigation: <ul style="list-style-type: none"> ○ Adhere to permit conditions regarding rutting and erosion control ○ Archaeological Overview Assessment ○ Engagement • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions are included in section(s):¹⁹ <ul style="list-style-type: none"> ○ 26(1)(f) ○ 26(1)(j) ○ 26(1)(q) | 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. |
| Economic opportunities or losses (employment, training) – | Operations | <ul style="list-style-type: none"> • The Applicant proposed the following mitigation: <ul style="list-style-type: none"> ○ Local companies will have the opportunity to bid on the Project construction, providing benefits to the local economy. | 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. |

¹⁸ See the MLWB Policies and Resources webpage to access the LWB [Standard Land Use Permit Conditions Template](#).

¹⁹ 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 |
|--|-----------------|--|---|
| Social and Economic Well-being | | | |
| Impairment of the aesthetic quality of the land or water | Operations | <ul style="list-style-type: none"> • The Applicant proposed the following mitigation: <ul style="list-style-type: none"> ○ Reduce reliance on diesel generators ○ Work in existing right of ways | 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 to the use of the area by other non-indigenous people (e.g., trappers, outfitters, residents, hunters, forest harvesters, other authorized projects) | Operations | <ul style="list-style-type: none"> • The Applicant proposed the following mitigation: <ul style="list-style-type: none"> ○ Engagement • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions are included in section(s):²⁰ <ul style="list-style-type: none"> ○ 26(1)(q) • | 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. |

²⁰ 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. 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.

The use of permit conditions of two general types:

1. conditions in the existing Permit, including requirements for management and monitoring plans, with revisions where necessary; and
2. new or unique conditions that may be needed to mitigate potential impacts of the changes to the Project that may not be addressed by the conditions in the existing Permit, and which may be from the Board's standard conditions list or 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 thus far, 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 Monday December 11, 2023, the Board can issue the Permit on Tuesday December 12, 2023.

SIGNATURE



Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

December 1, 2023

Date