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December 21, 2023

File: MV2023X0031

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: City of Yellowknife – Notice of Preliminary Screening Determination – Application for Land Use Permit – Miscellaneous – Yellowknife, NT**

The Mackenzie Valley Land and Water Board (Board) met on December 13, 2023, and considered the Application Package from the City of Yellowknife (City) for Land Use Permit (Permit) MV2023X0031 and for the Taylor Road 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 MV2023X0031 on **Tuesday, January 2, 2024**.

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

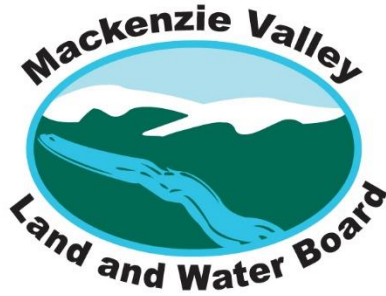
Yours sincerely,

A handwritten signature in blue ink that reads "Tanya MacIntosh". The signature is written in a cursive, flowing style.

Tanya MacIntosh  
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Akaitcho Distribution List  
Jackie Harman – BluMetric Environmental  
Vic Fontanilla – City of Yellowknife

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>	MV2023X0031
<b>Company</b>	City of Yellowknife
<b>Project</b>	Taylor Road Environmental Site Assessment
<b>Location</b>	Yellowknife, NT
<b>Activity</b>	Miscellaneous
<b>Date of Decision</b>	December 13, 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 December 13, 2023, to make a preliminary screening determination on the Application from the City of Yellowknife (City) (Applicant) for Land Use Permit MV2023X0031 (Permit)<sup>1</sup> for the Taylor Road Environmental Site Assessment (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 will not have a significant adverse impact on the environment or be a cause of public concern.

<sup>1</sup>See MVLWB Online Registry [www.mvlwb.com](http://www.mvlwb.com) for [City of YK – Application – Updated – Oct30 23](#).

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	City of Yellowknife
Application	The complete application package submitted by the Applicant for Water Licence and Land Use Permit MV2023X0031.
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	<a href="#">Mackenzie Valley Resource Management Act</a>
Minister	Minister of the Government of the Northwest Territories – Environment and Climate Change
ORS	Online Review System ( <a href="http://www.new.onlinereviewsystem.ca">www.new.onlinereviewsystem.ca</a> )
Party	As per the LWB <a href="#">Rules of Procedure</a> , an applicant, a person, or an organization participating in the regulatory proceeding for the Application.
Project	Taylor Road Environmental Site Assessment which is the proposed development (as defined in Part 5 of the MVRMA). <sup>3</sup>
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
Standard Permit Conditions	LWB <a href="#">Standard Land Use Permit Conditions Template</a>
WMP	Waste Management Plan

## 3.0 Background and Scope of Screening

The City of Yellowknife submitted an application for a Type A Land Use Permit on October 11, 2023, to conduct phase I & II Environmental Site Assessment in the 21 hectares of undeveloped municipal land located between the residential Taylor Road and the former Con Mine in Yellowknife, NT. The project includes the drilling of boreholes to install groundwater monitoring wells and is the first step to see if the area is suitable for residential development. The drilling program is expected to take 3 days. The City conducted engagement with local Indigenous governments, the GNWT, the local school district, Miramar Newmont Mining Ltd. (Con Mine), and with homeowners surrounding the project area.

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

<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 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 Project area is an undeveloped area located between a residential neighbourhood and a tailings pond of the former Con Mine. The Project consists of a field sampling program where soil, surface water, sediment, and groundwater will be sampled. The scope includes the use of a drill for three groundwater monitoring wells, the use of a backhoe and pickup truck, fueling the drilling rig, the collection of soil samples, and the associated reclamation of the 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 November 6, 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 27, 2023, with responses from the Applicant due December 4, 2023. The Board received comments and recommendations from Miramar Northern Mining Ltd. (MNML), Government of the Northwest Territories – Environment and Climate Change – North Slave Region (GNWT-Lands), Government of the Northwest Territories – Education Culture and Employment – Prince of Wales Northern Heritage Centre (PWNHC), and Government of the Northwest Territories – Environment and Climate Change (GNWT-ECC). A direct email was submitted during the comment and recommendation period that was included in the review (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 [Northwest Territory Métis Nation \(NWTMN\) Interim Measures Agreement](#),<sup>5</sup> 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](#),<sup>6</sup> 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 MVLWB Online Registry for [City of Yellowknife – Review Summary Table – Dec21\\_23](#).

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

<sup>6</sup> See MVLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Akaitcho Territory Dene First Nations Interim Measures Agreement](#).

#### **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**

<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>
Soil Contamination	Use of Motorized Equipment, drilling	<ul style="list-style-type: none"> <li>• In the event of a spill, protocols identified in the Spill Contingency Plan will be followed.</li> <li>• 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"> <li>○ <b>CHEMICALS</b></li> <li>○ <b>DRILLING WASTE</b></li> <li>○ <b>DRILLING WASTE DISPOSAL</b></li> <li>○ <b>DRILLING WASTE CONTAINMENT</b></li> <li>○ <b>WASTE CHEMICAL DISPOSAL</b></li> <li>○ <b>WASTE PETROLEUM DISPOSAL</b></li> <li>○ <b>SECONDARY CONTAINMENT – REFUELING</b></li> <li>○ <b>FUEL CONTAINMENT</b></li> <li>○ <b>SPILL CONTINGENCY PLAN</b></li> <li>○ <b>SPILL RESPONSE</b></li> <li>○ <b>DRIP TRAYS</b></li> <li>○ <b>CLEAN UP SPILLS</b></li> </ul> </li> </ul>	<p>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 and/or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint at limited locations for a short period of time.</p>
Water: Infiltration changes, Changes in Water Quality	Drilling	<ul style="list-style-type: none"> <li>• No change in water quality is anticipated to occur. It is uncertain if groundwater will be encountered during drilling; however, all boreholes will be plugged with bentonite.</li> <li>• In the event of a spill, protocols identified in the Spill Contingency Plan will be followed.</li> <li>• Secondary containment for standing equipment. The Board has standard permit conditions that are typically used to mitigate the described impact. These standard conditions include:               <ul style="list-style-type: none"> <li>○ <b>NATURAL DRAINAGE</b></li> <li>○ <b>FLOWING ARTISINAL WELL</b></li> </ul> </li> </ul>	<p>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 and/or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint at limited locations for a short period of time.</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"> <li>○ DRILLING WASTE</li> <li>○ DRILLING WASTE DISPOSAL</li> <li>○ DRILLING WASTE CONTAINMENT</li> <li>○ WASTE CHEMICAL DISPOSAL</li> <li>○ SECONDARY CONTAINMENT – REFUELING</li> <li>○ FUEL CONTAINMENT</li> <li>○ SPILL CONTINGENCY PLAN</li> <li>○ SPILL RESPONSE</li> <li>○ DRIP TRAYS</li> <li>○ CLEAN UP SPILLS</li> </ul>	
Permafrost: Loss or change in extent	Drilling	<ul style="list-style-type: none"> <li>• No change in permafrost is anticipated to occur. It is uncertain if groundwater will be encountered during drilling; however, all boreholes will be plugged with bentonite.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impact. These standard conditions include: <ul style="list-style-type: none"> <li>○ FLOWING ARTESIAN WELL</li> </ul> </li> </ul>	<p>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 and/or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint at limited locations for a short period of time.</p>
Air: Changes in air quality, GHG	Use of motorized equipment	<ul style="list-style-type: none"> <li>• Temporary, localized air emissions from the drill rig equipment and pickup truck. No equipment will be left to idle during the investigation. Minimal dust may be generated during the investigation and will be watered down as needed. Greenhouse gases released during operation of the drill rig equipment and support trucks will lead to a minimal increase in greenhouse gases.</li> </ul>	<p>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 and/or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint at limited locations for a short period of time.</p>



<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>
Vegetation: Direct loss of vegetation. Increased risk of wildfire. Introduction of non-native (invasive species).	Use of motorized equipment, Drilling. Personal gear, equipment, vehicles, and machinery originating from outside of the NWT.	<ul style="list-style-type: none"> <li>• Some vegetation loss will occur as part of the drilling program.</li> <li>• Risk of wildfires is low due to the bedrock dominated nature of the site and the nature of the geotechnical program.</li> <li>• Northwest Territory based mobile equipment will be used to reduce the risk of the introduction of non-native species.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impact. These standard conditions include: <ul style="list-style-type: none"> <li>○ <b>MINIMIZED AREA CLEARED</b></li> <li>○ <b>NATURAL VEGETATION</b></li> </ul> </li> </ul>	<p>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 and/or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint at limited locations for a short period of time.</p>
Terrestrial wildlife habitat: Direct loss or removal of habitat, dens, or nests.	Use of motorized equipment, drilling	<ul style="list-style-type: none"> <li>• Minimal loss of habitat could occur as a part of drilling activities.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impact. These standard conditions include: <ul style="list-style-type: none"> <li>○ <b>HABITAT DAMAGE</b></li> <li>○ <b>MIGRATORY BIRD NEST DISTURBANCE</b></li> </ul> </li> </ul>	<p>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 and/or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint at limited locations 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 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.

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 and will resume the regulatory proceeding.

If the Board does not receive a notice of referral to environmental assessment by January 1, 2024, the Board can issue the Permit on January 2, 2024.

SIGNATURE



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

December 21, 2023

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**Date**