

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

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

August 24, 2024

File: MV2024F0025

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: Laneway Construction Project – Notice of Preliminary Screening Determination – Application for Land Use Permit – Laneway Construction, Yellowknife, NT

The Mackenzie Valley Land and Water Board (Board) met on August 21, 2024, and considered the Application package from Paul Christofferson and Yvette Schreder for Land Use Permit (Permit) MV2024F0025 for the Laneway Construction (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 MV2024F0025 on **September 4, 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.

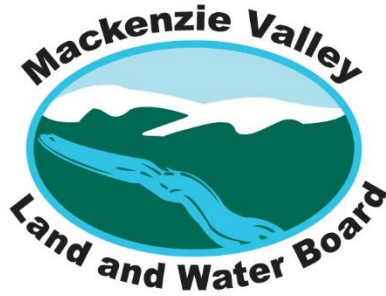
Yours sincerely,

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: Akaitcho Distribution List
Paul Christofferson and Yvette Schreder
Karine Gignac – Resource Management Officer II – GNWT-ECC
Rick Walbourne – Director, Regulatory and Permitting – GNWT-ECC
Scott Stewart – Regional Superintendent, Land and Water – GNWT-ECC

Attached: Preliminary Screening Determination and Reasons for Decision



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

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

Preliminary Screening Determination and Reasons for Decision

Land Use Permit Applications	
File Number	MV2024F0025
Company	Paul Christofferson and Yvette Schreder
Project	Laneway Construction
Location	Yellowknife, NT
Activity	Road Private
Date of Decision	August 21, 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 August 21, 2024, to make a preliminary screening determination on the Application from Paul Christofferson and Yvette Schreder (Applicants) for Land Use Permit MV2024F0025 (Permit)¹ for Laneway Construction – Yellowknife, NT (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

¹ See MVLWB Online Registry www.mvlwb.com for [Paul Christofferson and Yvette Schreder – Permit Application – Jul2_24](#).

² The Project is the Laneway Construction, 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."

environment or be a cause of public concern.

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	Paul Christofferson and Yvette Schreder
Application	The complete application package submitted by the Applicant for Land Use Permit MV2024F0025.
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	Laneway Construction, 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

The Applicant submitted a complete application for a 2-year type B land use permit for the purpose of constructing an 80m x 5m gravel laneway to access Prelude Lake East cabin lot 1083. The Applicant’s provided recreational lease has proven eligibility for this land use permit.

Prior to submission, the Applicant engaged with local Indigenous groups and cabin lease holders in the immediate area to ensure there were no objections to the proposed scale and nature of construction activity. According to the Applicant’s Engagement Record and Engagement Plan, cabin lease holders in the immediate area will be contacted prior to construction commencement, to provide notice of the start of construction.

Affected parties identified in the Application are:

- Dene Nation
- North Slave Metis Alliance
- NWT Metis Nation
- Tłıchǫ Government
- Yellowknives Dene First Nation
- Marc Coulombe (leaseholder)

- S. Millar (leaseholder)
- Marie Coe (leaseholder)
- Tanya Kearney (leaseholder)
- Markham Breitbach (leaseholder)
- Phil (leaseholder)
- Joel Gagnon (leaseholder)
- Andrew Couvrette (leaseholder)

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 will not have a significant adverse impact on the environment or 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 scope includes clearing land and using heavy vehicles to transport gravel. Approximately 0.5 hectares of land will be used for the entirety of the laneway construction, which will consist of geotextiles being placed on native ground after clearing, and gravel being placed on top of the geotextiles. For this project, there is no excavation of soils, no garbage or grey water production during construction, no storage of fuel on site, and no camp. Project activities are to take place in an already disturbed recreational area, off Prelude Lake Rd (see Figure 1).

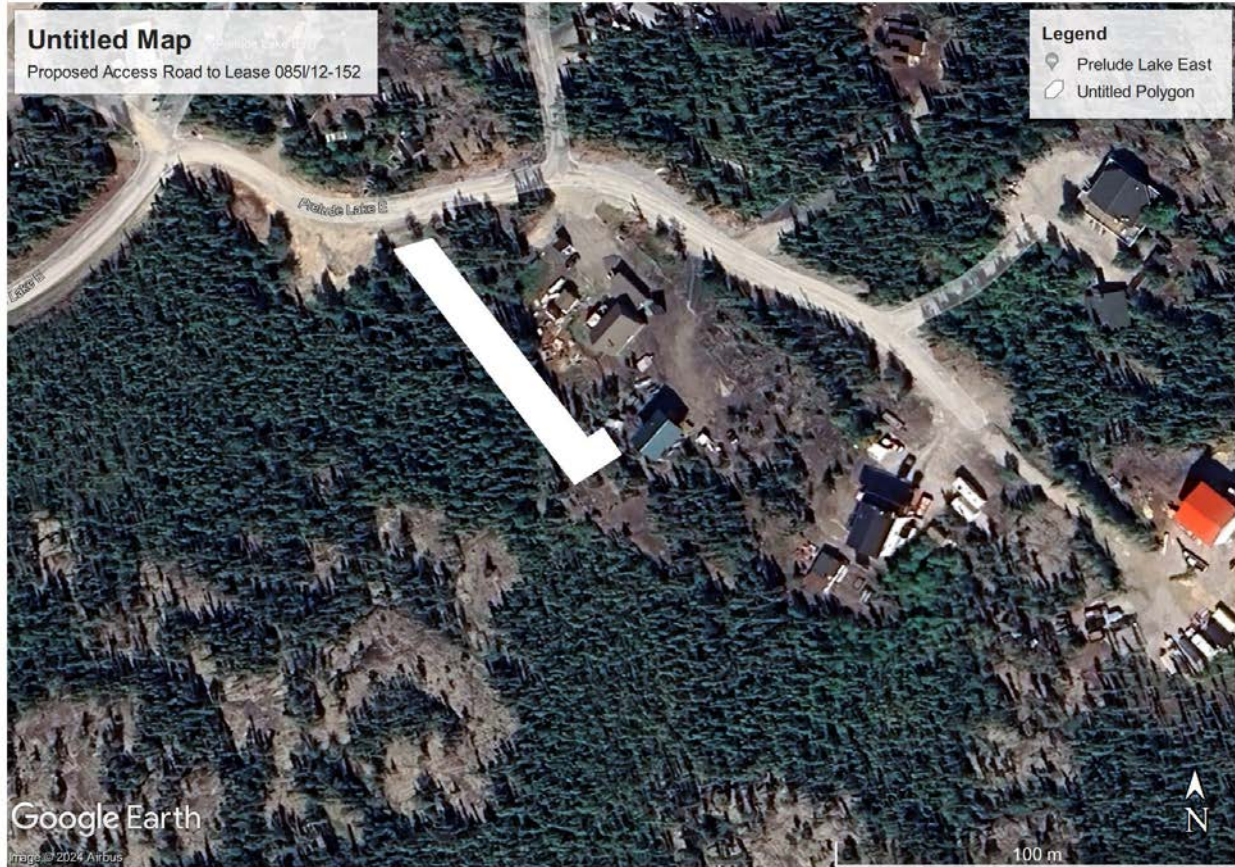


Figure 1: Proposed laneway construction to access Prelude Lake East cabin lot 1083.

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 July 11, 2024, 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 August 1, 2024, with responses from the Applicant due August 8, 2024. The Board received comments and recommendations from the Government of the Northwest Territories – Environment and Climate Change (GNWT-ECC), GNWT-ECC Inspectors, Fisheries and Oceans Canada (DFO), and Environment and Climate Change Canada (ECCC) (attached).³ Board staff also submitted comments and questions for the purposes of clarification.

Since there were no requests to extend the reviewer comment deadlines, 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](#).

³ See MVLWB Online Registry for Laneway Construction – [Review Summary Table – Aug 8 24](#).

Pursuant to subsection 1.6, paragraphs (a) and (b) of the [Akaitcho Territory Dene First Nations \(ATDFN\) Interim Measures Agreement](#),⁴ 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.

⁴ See MVLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Akaitcho Territory Dene 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	Use of fuel powered machinery has potential for fuel spills.	<ul style="list-style-type: none"> • The Applicant indicated that soil contamination from fuel spills is a potential impact, given the use of fuel powered machinery onsite. To mitigate, the Applicant has noted spill containment and clean up measures will be in place. • The Board has a standard permit that is/are typically used to mitigate the identified potential impacts. These standard conditions include:⁵ <ul style="list-style-type: none"> ○ SECONDARY CONTAINMENT – REFUELING ○ FUEL CONTAINMENT ○ 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 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 and there will be no stored fuel or fuel transfer onsite.</p>
Soil Compaction	Use of heavy machinery.	<ul style="list-style-type: none"> • The Applicant indicated that soil compaction is a potential impact, since the Project is for an access road that will be constructed over land. However, they have also noted that only the area required for the access road will be impacted and effectively, provided no mitigation measures. 	<p>Based on the described Project, it is the Board’s opinion that the proposed activities are not likely to have 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 where soil compaction is only required in the area for the access road.</p>

⁵ See the MVLWB Policies and Resources webpage to access the MVLWB [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.

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. If the Board does not receive a notice of referral to environmental assessment by Tuesday, September 3, 2024, the Board can issue the Permit on Wednesday, September 4, 2024.

SIGNATURE



Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

August 24, 2024

Date