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September 9, 2024

File: MV2024S0027

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: Geotechnical Site Evaluation –Notice of Preliminary Screening Determination - Land Use Permit MV2024S0027 – Fort Simpson, NT

The Mackenzie Valley Land and Water Board (Board) met on September 5, 2024, and considered the Application package from Fort Simpson Metis for Land Use Permit (Permit) MV2024S0027 for the Geotechnical Site Evaluation (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 MV2024S0027 on **September 20, 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
 Fort Simpson Metis
 Norman McCowan – Inspector, GNWT-ECC
 Jayda Robillard – Inspector, GNWT-ECC
 Rick Walbourne – Director, Regulatory and Permitting – GNWT-ECC
 Scott Stewart – GNWT-ECC

Attached: Preliminary Screening Determination and Reasons for Decisions



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Preliminary Screening Determination and Reasons for Decision

Land Use Permit Application	
File Number	MV2024S0027
Company	Fort Simpson Metis
Project	Geotechnical Site Evaluation
Location	Fort Simpson, NT
Activity	Geotechnical
Date of Decision	September 5, 2024

These are draft Reasons for Decision. The final Reasons will reflect the Board's decisions and any Board direction on these draft Reasons.

1.0 Decision

In accordance with subsection 124(1) of the [Mackenzie Valley Resource Management Act](#) (MVRMA), the Mackenzie Valley Land and Water Board (Board) met on September 5, 2024, to make a preliminary screening determination on the Application from Fort Simpson Metis, (Applicant) for Land Use Permit MV2024S0027 (Permit)¹ for the Geotechnical Site Evaluation – Fort Simpson, 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

¹See MVLWB Online Registry www.mvlwb.com for [Fort Simpson Metis Nation – Permit Application V2 – Jul22 2024](#).

² The Project is the Geotechnical Site Evaluation, 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 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.

2.0 **List of Defined Terms and Acronyms**

Applicant	Fort Simpson Metis
Application	The complete application package submitted by the Applicant for Land Use Permit MV2024S0027.
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.onlinereviewsystem.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	Geotechnical Site Evaluation, which is the proposed development (as defined in Part 5 of the MVRMA).
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
Standard Permit Conditions	LWB Standard Land Use Permit Conditions Template

3.0 **Background and Scope of Screening**

Fort Simpson Metis 52 (The Applicant) has submitted a complete application for a type A land use permit. The purpose of this Application is to conduct a Geotechnical Site Evaluation for a new Housing Unit, to be developed on Lot 5-2 in Fort Simpson, NT for a term of two years. Tetra Tech has been retained by the Fort Simpson Metis to conduct this work.

Prior to submission, Tetra Tech engaged with local First Nations to ensure there were no objections to the proposed scale and nature of project activities. According to the Applicant’s Engagement records, written notification was sent out via email in June/July of 2024, along with follow-up phone calls. Additional documentations would be provided in August/September if requested by affected parties.

There are no issues raised to date.

Affected parties identified in the Engagement Plan are:

- Fort Simpson Metis 52
- Dehcho First Nations, Fort Simpson
- Łíídlı́ Kúé First Nation, Fort Simpson

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 drilling, use of heavy machinery, storage and use of fuel, and closure related activities. Tetra Tech plans to drill four boreholes down to bedrock with a track mounted auger drill within the proposed building footprint. Analysis will focus on soil classification (as well as groundwater levels), to develop geotechnical recommendations in support of the foundation design. For restoration, boreholes will be backfilled with drill cuttings and imported clean granular material.

The project site is in an already disturbed urban area (see Figure 1). No overburden, organic soils, trees, or vegetation will need to be removed. No fuel transfer will occur during the drilling program and no camp will be required. Daily generated garbage, anticipated to consist of food scraps and packing waste, will be disposed in community garbage cans.



Figure 1: Site of proposed geotechnical site evaluation on lot 5-2.

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 30, 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 20, 2024, with responses from the Applicant due August 26, 2024. The Board received comments and recommendations from the Government of the Northwest Territories – Environment and Climate Change (GNWT-ECC) – Regulatory Analyst and Fisheries and Oceans Canada (DFO) (attached).³ Reviewers indicated they had no comments or concerns.

³ See MVLWB Online Registry for Laneway Construction – [Review Summary Table – Aug20 24](#).

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](#).

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 Applications.

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 [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	Use of machinery has potential for hydrocarbon spills.	<ul style="list-style-type: none"> • The Applicant indicated that soil contamination from hydrocarbon spills is a potential impact, given the use of 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 has noted this potential impact, but has further indicated, that tracked equipment will minimize soil compaction. <p>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, and provided no mitigation measures.</p>	<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>Tracks on machinery generally increase the surface contact area of a load, effectively leaving less strain on topsoil.</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 Thursday, September 19, 2024, the Board can issue the Permit on Friday, September 20, 2024.

SIGNATURE



Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

September 9, 2024

Date