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June 24, 2024

File: MV2024X0011

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 – Geotechnical Investigations – City of Yellowknife, NT

The Mackenzie Valley Land and Water Board (Board) met on June 20, 2024 and considered the Application Package from the City of Yellowknife for Land Use Permit (Permit) MV2024X0011 for the City of Yellowknife Geotechnical Investigations (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 MV2024X0011 on **Friday, July 5, 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.

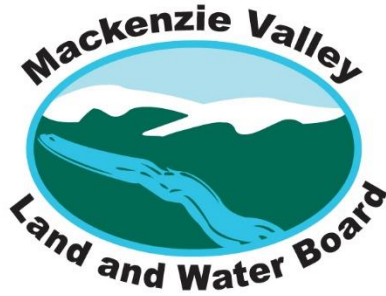
Yours sincerely,

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: City of Yellowknife Distribution List
Tim Morton (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 Renewal Application	
File Number	MV2024X0011
Company	The City of Yellowknife
Project	Yellowknife Geotechnical Investigations
Location	Yellowknife, NT
Activity	Geotechnical Investigations
Date of Decision	June 20, 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 June 20, 2024 to make a preliminary screening determination on the Application from The City Of Yellowknife (Yellowknife; the Applicant) for Land Use Permit MV2024C0007 (Permit)¹ for the Yellowknife Geotechnical Investigations Project at 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 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, as set out in paragraph 125(2)(a) of the MVRMA.

¹See MVLWB Online Registry for

² The Project is Yellowknife Geotechnical Investigations, 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 Decision

Applicant	The City of Yellowknife
Application	The complete application package submitted by the Applicant for Land Use Permit MV2024X0011
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	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	Yellowknife Geotechnical Investigations, which is the proposed development (as defined in Part 5 of the MVRMA). ²
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 April 30, 2024 the City of Yellowknife applied for a Type A Permit for geotechnical investigations in Yellowknife (the Project).³ The Project involves drilling and the use of vehicles and machinery for the purpose of geotechnical and geoenvironmental investigations and groundwater monitoring well installation at various locations within the municipal boundaries, and on the lands surrounding the Fiddler’s Lake sewage lagoon. The Project proposes a blanket city-wide permit, so that geotechnical activities can take place on any lands that are previously disturbed or approved for development, to reduce the administrative burden associated with applying for multiple single-use permits.

As per the LWB Engagement Policy, the Applicant conducted Engagement in March and April 2024. The following parties were engaged, as described in the Project Engagement Record and Engagement Plan:⁴

³ See MVLWB Online Registry for [City of YK - Geotechnical Investigations - Permit Application Package - Apr 29 24](#)

⁴ See MLWB Online Registry for [City of YK - Geotechnical Investigations - Engagement Plan - Apr29 24](#)

- North Slave Métis Alliance (NSMA);
- NWT Metis Nation (NMN);
- Yellowknives Dene First Nation (YKDFN); and
- GNWT-ECC

In accordance with paragraph 125(2)(a) of the [MVRMA](#), the Board must conduct a preliminary screening of the proposed changes to the Project to determine and report to the Review Board whether, in its opinion, the proposed changes to the Project have a significant adverse impact on air, water 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:

New Areas and Activities

The Project will take place on municipal lands within the city boundaries, and on the area around the Fiddler’s Lake sewage lagoon - which is commissioners land leased to the city under Lease 105-SK-147.

Activities will include:

- The use of drills for geotechnical investigations and groundwater monitoring well installation; and
- The use of vehicles and machines for geotechnical investigations and support activities.

3.2 Public Record and Regulatory Proceeding

To assist the Board in its preliminary screening determination for the Project, Board staff distributed the Application and a draft Permit for public review on May 10, 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).⁵ Comments and recommendations were received by the deadline of May 31 , 2024 from the following parties:

- the Government of the Northwest Territories Department of Environment and Climate Change (GNWT-ECC) Regulatory Analyst;
- GNWT-ECC North Slave Region Lands Inspector (Inspector); and
- Fisheries and Oceans Canada (DFO).

Applicant responses were received by the deadline of June 6, 2024.

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](#).

⁵ See MVLWB Online Review System for [City of Yellowknife Geotechnical Investigations New Type A Land Use Permit Application](#)

The Board is also satisfied that notice of the Application was provided to the Tłıchǫ Government (TG) and that a reasonable period of time was provided for the TG to make representations to the Board in accordance with section 63 of the [MVRMA](#).

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 Changes to the 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 Changes in water quality	- Use and petroleum products and/or chemicals	<ul style="list-style-type: none"> • The Applicant has developed spill contingency and waste management plans to prevent spills and waste contamination. • The Board has standard permit conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ DRILLING NEAR WATER OR ON ICE ○ DRILLING WASTE ○ DRILLING WASTE DISPOSAL ○ DRILLING WASTE CONTAINMENT ○ WASTE CHEMICAL DISPOSAL ○ WASTE PETROLEUM DISPOSAL ○ WASTE MANAGEMENT ○ SPILL CONTINGENCY PLAN ○ SPILL RESPONSE ○ DRIP TRAYS ○ CLEAN UP SPILLS ○ REPORT SPILLS 	<p>No concerns were brought to the Board’s attention during the application public review period.</p> <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 will not be a cause of public concern.</p>
Disturbance to ground, permafrost, vegetation	Use of Drills and equipment	<ul style="list-style-type: none"> • Disturbances are expected to be minimal as activities will occur on previously disturbed lands or areas with minimal soil and vegetation cover • The project will minimize removal of topsoil and vegetation - permafrost loss or degradation not anticipated. 	<p>No concerns were brought to the Board’s attention during the application public review period.</p> <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 will not be a cause of public</p>

			concern.
Wildlife Disturbance	Use of Drills and equipment	<ul style="list-style-type: none"> • Activities will take place within the city boundaries primarily on disturbed lands or on lands approved for development. It is expected that no nests or dens will be present in the drilling area. • The Board has standard permit conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ HABITAT DAMAGE 	<p>No concerns were brought to the Board’s attention during the application public review period.</p> <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 will not be a cause of public concern.</p>
Heritage Resources		<ul style="list-style-type: none"> • Activities will take place within the city boundaries primarily on disturbed lands, or on lands approved for development. • The Board has standard permit conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ ARCHAEOLOGICAL BUFFER ○ SITE DISTURBANCE ○ SITE DISCOVERY AND NOTIFICATION ○ ARCHAEOLOGICAL OVERVIEW ○ AIA HIGH POTENTIAL 	<p>No concerns were brought to the Board’s attention during the application public review period.</p> <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 will not be a cause of public concern</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 changes to the Project might have a significant adverse impact on the environment. In general, impacts of the changes to the Project on the environment can be mitigated through 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 changes to the Project, the Board considered whether the changes to 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 conducted a preliminary screening of the Project. The Board has reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed changes to the 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/or 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 changes to the Project to Environmental Assessment. If the Board does not receive a notice of referral to environmental assessment by **July 4, 2024** the Board can issue the Permit on **Friday, July 5, 2024**.



Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

June 24, 2024

Date