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August 7, 2024

File: MV2024X0020

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 – Environment and Climate Change – Notice of Preliminary Screening Determination – Application for Land Use Permit – Miscellaneous – Fort Resolution, NT**

The Mackenzie Valley Land and Water Board (Board) met on August 1, 2024, and considered the Application Package from the Government of the Northwest Territories – Environment and Climate Change for Land Use Permit (Permit) MV2024X0020 for the Phase II 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 MV2024X0020 on **August 18, 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,

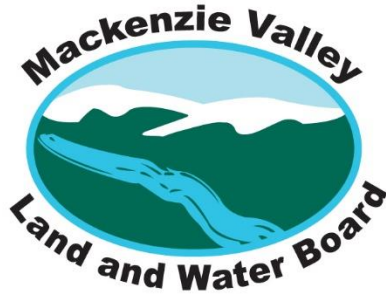
A handwritten signature in blue ink that reads "Tanya MacIntosh". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Tanya MacIntosh

Chair, Mackenzie Valley Land and Water Board

BCC'd to: Akaitcho Distribution List  
Dave Abernethy – GNWT-ECC

Attached: Preliminary Screening Determination and Reasons for Decision



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## Preliminary Screening Determination and Reason for Decision

Land Use Permit Application	
<b>File Number</b>	MV2024X0020
<b>Company</b>	Government of the Northwest Territories – Environment and Climate Change
<b>Project</b>	Phase II Site Assessment
<b>Location</b>	Fort Resolution, NT
<b>Activity</b>	Miscellaneous
<b>Date of Decision</b>	August 1, 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 1, 2024 to make a preliminary screening determination on the Application from Government of the Northwest Territories – Environment and Climate Change (GNWT-ECC) (Applicant) for Land Use Permit (MV2024X0020)<sup>1</sup> for a Phase II 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 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.

<sup>1</sup> See MVLWB Online Registry GNWT-ECC - [Land Use Permit Application – June12 24](#).

<sup>2</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.”.

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 – Environment and Climate Change
Application	The complete application package submitted by the Applicant for Land Use Permit MV2024X0020.
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	<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="https://new.onlinereviewsystem.ca/">https://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	Phase II Site Assessment, 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 <a href="#">Standard Land Use Permit Conditions Template</a>

## 3.0 **Background and Scope of Screening**

On June 12, 2024, GNWT-ECC submitted an application for the completion of a Phase II Environmental Site Assessment to assist in the delineation of contaminants of concern. In the 1960s, a pipeline was installed by the Government of Canada to transport heating fuel from the Great Slave Lake dock area to several buildings within the community. The pipeline was abandoned in 1974 following the extension of Highway 6 to Fort Resolution, which allowed fuel trucks to access the community. After 1974, several sections of the pipeline were reportedly removed either during decommissioning or inadvertently during construction activities.

On site activities include drilling to advance borehole in the soil, installation of groundwater monitoring wells, soil sampling collection and well decommissioning.

Apart of the Application was an Engagement Record and Engagement Plan that noted this Application was discussed with Parties including the following:

Denínu Kúę First Nation	Łutselk’e First Nation
Fort Resolution Métis Government	Yellowknives Dene First Nation

As part of the public review, Board staff requested comments and recommendations to assist with the Board’s preliminary screening determination. To assist the Board in making its decision on the Permit,

Board staff also circulated a draft Permit for review with the Application to allow all Parties the opportunity to comment on the specific wording of the draft conditions.

In accordance with paragraph 125(2)(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 is likely to have a significant adverse impact on air, water, and/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**

The project plan includes the completion of a Phase II Environmental Site Assessment to delineate contaminants of concern in potentially impacted media, using sample and field screening and provide recommendation for next steps.

Heavy equipment is required for multiple sampling location within the property. Onsite activities include drilling activities to advance boreholes in the soils, installation of groundwater monitoring wells, soil sampling collection and well decommissioning.

The areas that will be looked at are the former public works garage, a residential lot and the dock and beach area.

Activities on site are scheduled to take place between July to October 2024. Equipment used on site is expected to be track mounted B47 drill or equivalent. Support vehicles may be required with refuelling apparatus. Drilling and/or excavation activities are expected to have minimal impact on sediment, and erosion and mitigations will be in place. The soil will be tested prior to acceptance at a nearby waste disposal facility. While it is assumed that the waste generated will not be consider hazardous waste, any material exceeding facility acceptance criteria will be contained and shipped to an appropriate facility for disposal.

### **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 June 21, 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 July 11, 2024, with responses from the Applicant due July 17, 2024. The Board received comments and recommendations from Fisheries and Oceans Canada as well as GNWT-ECC Inspector.<sup>3</sup>

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<sup>3</sup> See MVLWB Online Review System for GNWT-ECC New Land Use Permit - Phase II Investigation - Fort Resolution – [Review Summary Table – July 17 24](#).

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>4</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>5</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.

#### **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.

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<sup>4</sup> See MVLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Northwest Territory Métis Nation Interim Measures Agreement](#).

<sup>5</sup> 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
Abiotic Components – Land – Soil Contamination	Use of equipment, drilling	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Application:               <ul style="list-style-type: none"> <li>○ Spill Contingency Plan</li> <li>○ Spill Kits</li> <li>○ Re-fuelling off site</li> </ul> </li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts.<sup>6</sup></li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities are not likely to have a significant adverse impact on air, water, or renewable resources, or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint on already disturbed lands for a short period of time.</p>
Abiotic Components – Water – Groundwater – Water Table Alteration	Use of equipment, drilling	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Application:               <ul style="list-style-type: none"> <li>○ Use of existing access roads and driveways</li> <li>○ Limiting the movement of large machinery on sensitive land features.</li> </ul> </li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts.</li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities are not likely to have a significant adverse impact on air, water, or renewable resources, or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint on already disturbed lands for a short period of time.</p>
Abiotic Components – Water – Groundwater – Infiltration changes	Drilling	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Application:               <ul style="list-style-type: none"> <li>○ Properly sealing the boreholes following drilling</li> <li>○ Drilling will not extend into permafrost</li> </ul> </li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts.</li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities are not likely to have a significant adverse impact on air, water, or renewable resources, or will not be a cause of public concern.</p> <p>The proposed project involves drilling that will include the borehole being properly sealed following drilling and will not extend into permafrost.</p>

<sup>6</sup> See the MVLWB Policies and Resources webpage to access the MVLWB [Standard Land Use Permit Conditions Template](#).

<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>
Abiotic Components – Water – Groundwater – Changes in water quality	Drilling	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> <li>○ Use of proper surface seal in effort to mitigate surface water mitigation to groundwater through preferential flow path.</li> </ul> </li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts.</li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities are not likely to have a significant adverse impact on air, water, or renewable resources, or will not be a cause of public concern.</p> <p>The proposed project involves drilling that will include the borehole being properly sealed at the surface.</p>
Biological Components – Vegetation – Compaction of vegetation	Use of equipment, drilling	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> <li>○ Use of existing access roads and driveways</li> <li>○ Limiting the movement of large machinery on sensitive land features.</li> </ul> </li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts.</li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities are not likely to have a significant adverse impact on air, water, or renewable resources, or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint on already disturbed lands and use of existing access roads.</p>
Cultural Components – Social and Economic Well-being	Use of equipment, drilling	<ul style="list-style-type: none"> <li>• The program will bring more employment to the community of Fort Resolution as the consultants will employ local staff for the excavator operator and a field assistant.</li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities are not likely to have a significant adverse impact on air, water, or renewable resources, or 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 Project is likely to have a significant adverse impact on air, water, and/or renewable resources. In general, impacts of the Project on the air, water, and/or renewable resources 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 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 Project to Environmental Assessment.

If the Board does not receive a notice of referral to environmental assessment by August 17, 2024, the Board can issue the Permit on August 18, 2024.

SIGNATURE



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

August 7, 2024

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**Date**