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October 3, 2024

File: MV2024X0028

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 – Department of Infrastructure – Notice of Preliminary Screening Determination – Application for Land Use Permit – Miscellaneous – Hay River, NT**

The Mackenzie Valley Land and Water Board (Board) met on September 26, 2024 and considered the Application Package from the Government of the Northwest Territories – Department of Infrastructure (GNWT-INF) for Land Use Permit (Permit) MV2024X0028 for the Environmental Site Assessment Project (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 MV2024X0028 on **October 14, 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  
Kelly Joy – GNWT-INF

Attached: Preliminary Screening Determination and Reasons for Decision



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## Preliminary Screening Determination and Reasons for Decision

Land Use Permit Applications	
File Number	MV2024X0028
Company	Government of the Northwest Territories – Department of Infrastructure
Project	Hay River Environmental Site Assessment
Location	Town of Hay River, NT
Activity	Miscellaneous
Date of Decision	September 26, 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 September 26, 2024 to make a preliminary screening determination on the Application from the Government of the Northwest Territories – Department of Infrastructure (GNWT-INF) (Applicant) for Land Use Permit MV2024X0028 (Permit)<sup>1</sup> or the Hay River 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 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 [www.mvlwb.com](http://www.mvlwb.com) for GNWT-INF – [Permit Application – Aug6 24](#)

<sup>2</sup> The Project is the Hay River Environmental Site Assessment, 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 List of Defined Terms and Acronyms

Applicant	Government of the Northwest Territories – Department of Infrastructure
Application	The complete application package submitted by the Applicant Land Use Permit MV2024X0028
Board	Mackenzie Valley Land and Water Board
CRP	Closure and Reclamation Plan
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.onlinereviewssystem.ca">www.new.onlinereviewssystem.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	Hay River 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>
TK	Traditional Knowledge
WMP	Waste Management Plan

## 3.0 Background and Scope of Screening

On July 29, 2024, the GNWT-INF submitted an application to conduct initial environmental site assessment activities on 5 properties previously associated with the former Northern Transportation Company Ltd., which include four municipal lots and one commissioner’s lot. Land use activities include drilling boreholes required to characterize soil and to install groundwater monitoring wells. The precise number and location of boreholes will be formalized in collaboration with the successful project consultant prior to fieldwork. GNWT-INF anticipates up to 50 boreholes across the subject sites to 6.0m below grade in depth, and up to 25 monitoring wells to be installed. Work is anticipated to start September 1, 2024 and end by November 1, 2025.

Equipment will be fueled on site, but fuel will not be stored on site. Waste will be taken to the Town of Hay River Municipal Facility.

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<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.”

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 will take place within municipal boundaries and are located on four municipal lots and one Commissioner's lot.

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, the Board distributed the Application and a draft Permit for public review on August 16, 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). Comments were due September 6, 2024, with responses from the Applicant due September 11, 2024. The Board received comments and recommendations from Environment and Climate Change Canada, GNWT – Environment and Climate Change, Fisheries and Oceans Canada and Ts'ueh Nda First Nation (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 section 27, paragraphs (a) and (b) of the [Dehcho First Nations \(DCFN\) Interim Measures Agreement](#),<sup>6</sup> 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 Application.

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<sup>4</sup> See MVLWB Online Registry for [Hay River ESA - Application – Review Comment Table – Oct2 24](#).

<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 [Dehcho First Nations Interim Measures Agreement](#).

#### **4.0 Potential Impacts and Proposed Mitigations**

Although the Board has determined that the Project is exempt from preliminary screening, the Board will consider the potential impacts and proposed mitigations in establishing the Permit conditions. For Board licences and permits in general, potential impacts can be mitigated through existing, standard, and/or project-specific licence and/or permit 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.

All Parties have had an opportunity to provide recommendations to the Board regarding draft conditions. In finalizing the conditions, the Board will consider these recommendations, and all the evidence provided through the regulatory proceeding.

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**

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
<p>Soil contamination</p> <p>Changes in water quality</p>	<p>- Use and petroleum products and/or chemicals</p>	<ul style="list-style-type: none"> <li>• The Applicant has developed spill contingency and waste management plans to prevent spills and waste contamination.</li> <li>• 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"> <li>○ DRILLING WASTE</li> <li>○ DRILLING WASTE DISPOSAL</li> <li>○ DRILLING WASTE CONTAINMENT</li> <li>○ WASTE CHEMICAL DISPOSAL</li> <li>○ WASTE PETROLEUM DISPOSAL</li> <li>○ WASTE MANAGEMENT</li> <li>○ SPILL CONTINGENCY PLAN</li> <li>○ SPILL RESPONSE</li> <li>○ DRIP TRAYS</li> <li>○ CLEAN UP SPILLS</li> <li>○ REPORT SPILLS</li> </ul> </li> </ul>	<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>
<p>Disturbance to ground, permafrost, vegetation</p>	<p>Use of Drills and equipment</p>	<ul style="list-style-type: none"> <li>• Disturbances are expected to be minimal as activities will occur on previously disturbed lands or areas with minimal soil and vegetation cover</li> <li>• The project will minimize removal of topsoil and vegetation - permafrost loss or degradation not anticipated.</li> </ul>	<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>

<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>
Wildlife Disturbance	Use of Drills and equipment	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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"> <li>○ HABITAT DAMAGE</li> </ul> </li> </ul>	<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"> <li>• Activities will take place within the city boundaries primarily on disturbed lands, or on lands approved for development.</li> <li>• 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"> <li>• ARCHAEOLOGICAL BUFFER</li> <li>• SITE DISTURBANCE</li> <li>• SITE DISCOVERY AND NOTIFICATION</li> <li>• ARCHAEOLOGICAL OVERVIEW</li> </ul> </li> </ul>	<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 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. 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 **October 13, 2024** the Board can issue the Permit on **October 14, 2024**.

SIGNATURE



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

October 3, 2024

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**Date**