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September 1, 2020

File: MV2020Q0005

Mark Cliffe-Phillips
Mackenzie Valley Review Board
200 Scotia Centre
Box 938, 5102-50th Avenue,
Yellowknife NT X1A 2N7

Sent via Email

Dear Mark Cliffe-Phillips:

Re: Nogha Enterprises Ltd. – Notice of Preliminary Screening Determination – Application for Land Use Permit – Quarrying – Fort Simpson, NT

The Mackenzie Valley Land and Water Board (Board) met on August 27, 2020 and considered the Application from Nogha Enterprises Limited (Applicant) for Land Use Permit (Permit) MV2020Q0005 for a Quarrying Operation near the Fort Simpson community, 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 reasons for decision, as required by section 121 of the MVRMA, are attached.

If the Board does not receive notice of referral to environmental assessment, it can proceed with issuance of Permit MV2020Q0005 on Friday September 11, 2020.

The Board and staff look forward to continued communications throughout the pause period. Please contact Shelagh Montgomery at (867) 766-7457 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Mavis Cli-Michaud".

Mavis Cli-Michaud
MVLWB, Chair

Copied to: DehCho Distribution List

Attached: Preliminary Screening Reason for Decision

Preliminary Screening Report Form

Preliminary screener: MVLWB Reference / File number: MV2020Q0005 TITLE: Quarry Operations (Sand Aggregates) – Fort Simpson ORGANIZATION: Nogha Enterprises Limited MEETING DATE: August 27, 2020	EIRB Reference number:
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Type of Development:
(CHECK ALL THAT APPLY)

- New
- Amend, EIRB Ref. #
- Requires permit, licence, or authorization
- Does not require permit, licence, or authorization

Project Summary:

Nogha Enterprises Limited (NEL or Applicant) submitted an application and supporting information (Application) to conduct a sand quarry operation for a period of five (5) years at a source located at KM 486, approximately 14 kilometres north of Fort Simpson, on Mackenzie Hwy #1. Site Access is provided by way of a 300 metre road off Mackenzie Hwy #1. The Project will be carried out annually between May and October, inclusively. A total of five (5) personnel will be on site simultaneously while carrying out the Project. Waste generated by the project will be backhauled to the Village of Fort Simpson for disposal. No camp facilities will be established to support the Project as personnel will obtain accommodations within the Village of Fort Simpson.

Equipment List

Quantity	Type	Size
1	D-3 Cat Bulldozer	Heavy
1	Loader (Rubber Tire)	Heavy
2	Haul Trucks	Heavy
2	Pickup trucks	Light

Fuel Requirements

Fuel Type	Number of Containers	Size or Volume/Container
Diesel	1	250 Litres
Gasoline	1	250 Litres
Other	N/A	N/A

Scope:

- a) Use of an existing access road to operate a quarry at KM486, approximately 14 km north of Fort Simpson, NT;
- b) Use of relevant equipment; and
- c) Clearing of brush
- a) Site preparation activities including clearing, grubbing, stripping, and stockpiling of material such as soil/overburden and vegetation/bush material.

Land Use Eligibility - Section 18 Mackenzie Valley Land Use Regulations:

Type of Disposition

Disposition Number(s)

- Mineral Claims
- Prospecting Permit (s)
- Mineral Leases
- Oil and Gas: EL/SDL/PL
- Quarry Permit
- Timber Permit
- Other:

Principal Activities (related to scoping) (CHECK ALL THAT APPLY)

- | | | |
|---------------------------------------|--------------------------------------|---|
| <input type="checkbox"/> Construction | <input type="checkbox"/> Exploration | <input type="checkbox"/> Decommissioning |
| <input type="checkbox"/> Installation | <input type="checkbox"/> Industrial | <input type="checkbox"/> Abandonment |
| <input type="checkbox"/> Maintenance | <input type="checkbox"/> Recreation | <input type="checkbox"/> Aerial |
| <input type="checkbox"/> Expansion | <input type="checkbox"/> Municipal | <input type="checkbox"/> Harvesting (Logs/timber) |

- Operation
- Repair
- Research
- Water Intake
- Other:

- Quarry
- Linear / Corridor
- Sewage

- Camp
- Scientific/
- Solid Waste

Principal Development Components (related to scoping) (CHECK ALL THAT APPLY)

- | | |
|--|--|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Access Road <ul style="list-style-type: none"> <input type="checkbox"/> construction <input type="checkbox"/> abandonment/removal <input checked="" type="checkbox"/> modification e.g., widening, straightening <input checked="" type="checkbox"/> Automobile, Aircraft or Vessel Movement <input type="checkbox"/> Blasting <input type="checkbox"/> Building <input type="checkbox"/> Burning <input type="checkbox"/> Burying <input type="checkbox"/> Channelling <input type="checkbox"/> Cut and Fill <input checked="" type="checkbox"/> Cutting of Trees or Removal of Vegetation <input type="checkbox"/> Dams and Impoundments <ul style="list-style-type: none"> <input type="checkbox"/> construction <input type="checkbox"/> abandonment/removal <input type="checkbox"/> modification <input type="checkbox"/> Ditch Construction <input checked="" type="checkbox"/> Drainage Alteration <input type="checkbox"/> Drilling other than Geoscientific <input type="checkbox"/> Ecological Surveys <input checked="" type="checkbox"/> Excavation <input type="checkbox"/> Explosive Storage <input type="checkbox"/> Fuel Storage <input checked="" type="checkbox"/> Topsoil, Overburden or Soil <ul style="list-style-type: none"> <input type="checkbox"/> fill <input type="checkbox"/> disposal <input checked="" type="checkbox"/> removal <input checked="" type="checkbox"/> storage | <ul style="list-style-type: none"> <input type="checkbox"/> Waste Management <ul style="list-style-type: none"> <input type="checkbox"/> disposal of hazardous waste <input checked="" type="checkbox"/> waste generation <input type="checkbox"/> sewage <input type="checkbox"/> disposal of sewage <input type="checkbox"/> Geoscientific Sampling <input type="checkbox"/> Trenching <input type="checkbox"/> Diamond drill <input type="checkbox"/> Borehole core sampling <input type="checkbox"/> Bulk soil sampling <ul style="list-style-type: none"> <input type="checkbox"/> gravel <input type="checkbox"/> hydrological Testing <input type="checkbox"/> Site Restoration <ul style="list-style-type: none"> <input type="checkbox"/> fertilization <input checked="" type="checkbox"/> grubbing <input type="checkbox"/> planting/seeding <input type="checkbox"/> reforestation <input type="checkbox"/> scarify <input type="checkbox"/> spraying <input checked="" type="checkbox"/> re-contouring <input checked="" type="checkbox"/> Slashing and removal of vegetation <input type="checkbox"/> Soil Testing <input type="checkbox"/> Stream Crossing/Bridging <input type="checkbox"/> Tunnelling/Underground <input type="checkbox"/> Other: |
|--|--|

NTS topographic map sheet numbers:
95H14

Latitude / longitude and UTM system:
 N61° 53' 1.56" W121° 34' 44.00"
 N61° 52' 58.07" W121° 34' 44.52"
 N61° 53' 1.54" W121° 34' 37.00"
 N61° 52' 58.01" W121° 34' 37.38"

Nearest community and water body:
Fort Simpson/ Martin River

Land Status (consultation information)

- Free Hold/Private
 Commissioner's/Territorial Lands
 Federal Crown Land
 Municipal Land

Transboundary/Transregional Implications

- British Columbia
 Alberta
 Saskatchewan
 Yukon
 Nunavut
 National Park
 Inuvialuit Settlement Region
 Wek'èezhii
 Gwich'in
 Sahtu

Type of transboundary implication:
 Impact / Effect
 Development

Public concern: _____
(Describe.)

Physical - Chemical Effects

Impact

1) Ground Water

water table alteration

water quality changes

infiltration changes

other:

N/A

Mitigation

Fluid Leaks or spills may be generated by on-site equipment; to minimize the impact from potential leaks or spills, a spill contingency plan has been developed for implementation.

Potentially, the project site could be impacted by contact water infiltration. To minimize such potential, the Applicant plans to grade or slope project areas such that accumulation of site water and infiltration rate may be reduced.

Impact

2) Surface Water

flow or level changes

water quality changes

water quantity changes

drainage pattern changes

temperature

wetland changes/loss

other:

N/A

Mitigation

Surface water quality could be impacted by site runoff water mixing with water from undisturbed areas. The applicant plans to implement measure to minimize or prevent the diversion or entry of runoff from the Project area into natural waterbodies.

There is potential for alteration in the drainage pattern of the project area due to the soil-surface being disturbed. To minimize this potential, culverts may be installed to divert water into a nearby man-made pond; the Quarry pit will be graded to enhance proper drainage/flow from the site.

Impact

3) Noise

noise in/near water

noise increase

other:

N/A

Mitigation

There is potential for increases in noise within the vicinity of the project area due to operation of heavy equipment.

As this issue is inevitable based on the scope of the Project, no mitigation measures have been proposed. The Applicant will minimize time spent at the Project site to reduce noise duration.

Impact

4) Land

geologic structure changes

Mitigation

soil contamination The presence of heavy equipment on site could increase the potential for soil contamination due to spills and leaks.
Measure to prevent and/or reduce spills are included in the Spill Contingency Plan.

buffer zone loss
 soil compaction and settling

destabilization/erosion There is the possibility that erosion or soil destabilization could occur within the project area given the nature of the aggregates being extracted.
To minimize erosion, areas graded by the project will be sloped at a ratio of 2:1.

permafrost regime alteration
 explosives/scarring
 other:
 N/A

Impact
5) Non-renewable natural resources

Mitigation
The sand aggregates mined by the project is a non-renewable resource. Consequently, no mitigation measures proposed.

resource depletion
 other:
 N/A

Impact
6) Air/climate/atmosphere

Mitigation
Minimal impact is expected on air quality from emissions as limited pieces of heavy equipment will be on site. Mitigation measures include minimizing the time that heavy equipment is left idling on site.

other:
 N/A

BIOLOGICAL ENVIRONMENT

Impact
1) Vegetation

Mitigation

species composition
 species introduction
 toxin/heavy accumulation
 other: Linear Migration routes, habitat fragmentation
 N/A

Impact

2) Wildlife and Fish

Mitigation

- effects on rare, threatened or endangered species
- fish population changes
- waterfowl population changes
- breeding disturbance
- population reduction
- species diversity change
- health changes
- behavioural changes

habitat changes / effects

The site was previously used for quarrying activities; therefore, significant changes to wildlife habitat is not anticipated.

Measures are included in the permit to minimize additional changes to wildlife habitat.

- game species effects
- toxins/ heavy metals
- forestry changes
- agricultural changes
- other:
- N/A

Interacting Environment

Impact

1) Habitat and Communities

Mitigation

- predator-prey
- wildlife habitat/ecosystem composition changes

The undertaking has the potential to disturb birds and birds' habitat.

Mitigation and monitoring measures included in the Permit to minimize or address potential impacts on wildlife. Applicant intends to conduct project activities at periods when disturbance to wildlife will be minimal.

- reduction/removal of keystone or endangered species
- removal of wildlife corridor or buffer zone
- other:
- N/A

Impact

Mitigation

2) Social and Economic

- planning/zoning changes or conflicts
- increase in urban facilities or services use
- rental house
- airport operations/capacity changes
- human health hazard
- impair the recreational use of water or aesthetic quality
- affect water use for other purposes
- affect other land use operations
- quality of life changes
- public concern
- other:
- N/A

Impact

Mitigation

3) Cultural and Heritage

- effects to historic property
- increased economic pressure on historic properties
- change to or loss of historic resources
- change to or loss of archaeological resources
- increased pressure on archaeological sites
- change to or loss of aesthetically important sites
- effects to aboriginal lifestyle

The project area is frequented by recreational users for gatherings and opportunistic fuel wood harvesting. Swimmers also use the Martin River which is ~ 2 KM North of the quarry site.

Because quarrying activity is only required from May - October, the impact on aboriginal lifestyle is expected to be minimized.

- other:
- N/A

- Pursuant to section 27, paragraphs (a) and (b) of the **Dehcho First Nations** (DCFN) Interim Measures Agreement, the MVLWB 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.
- Pursuant to Schedule 4.1 of the Northwest Territory Métis Nation (NWTMN) Interim Measures Agreement, the MVLWB has 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.

DRAFT

Preliminary Screener / Referring Body Information

Acho Dene Koe First Nation	GNWT - MACA (Municipal and Community Affairs)
Canadian Northern Economic Development Agency - NWT Region	GNWT - Lands
CIRNAC - Inspector	GNWT - Lands - Dehcho Region
CIRNAC-CARD	GNWT - PPCA (Policy, Planning, Communications and Analysis (w/in ITI))
Deh Cho Land Use Planning Committee	GNWT - PWNHC (Prince of Wales Northern Heritage Centre (w/in ECE))
Deh Gah Got'ie Dene Council	Hamlet of Fort Liard
Dehcho First Nations	Hamlet of Fort Providence
Dene Nation	Ka'a'gee Tu First Nation
Dene Tha' First Nation	Katlodeeche First Nation
Deninu K'ue First Nation	Liard First Nation (Yukon)
Digaa Enterprises Ltd.	Liidlii Kue First Nation (Ft Simpson)
Environment and Climate Change Canada	Mackenzie Valley Environmental Impact Review Board
Fisheries and Oceans Canada	MVLWB
Fort Providence Metis Council #57	Naha Dehe Dene Band
Fort Providence Resource Management Board	North Slave Metis Alliance
Fort Simpson Metis Local 52	Northwest Territory Metis Nation
Forward Mining	NWT- OROGO
GLWB	Pehdzeh Ki First Nation (Wrigley)
GNWT - ENR (Environment and Natural Resources)	Ross River Dena Council
GNWT - ENR - Deh Cho Region	Sambaa Ke First Nation (Trout Lake)
GNWT - ENR – EAM (Environmental Assessment and Monitoring)	Snap Lake Environmental Monitoring Agency (SLEMA)
GNWT - ENR - North Slave Region	Tlicho Government
GNWT - ENR - South Slave Region - Fort Smith	Tlicho Lands Protection Department
GNWT - Executive and Indigenous Affairs	Town of Hay River
GNWT - HSS (Health and Social Services)	Transport Canada
GNWT - INF (Infrastructure)	Ttthets'ek'ehdeli First Nation (JMR)
GNWT - ITI (Industry, Tourism and Investment)	Wek' eezhii Renewable Resources Board
GNWT - Lands - Hay River Region	West Point First Nation
GNWT - Lands - North Slave Region	WLWB
GNWT - Lands - South Slave Region - Fort Smith	Wood

Reasons For Decision

(List all reasons and supporting rationales for preliminary screening decision)

DECISION

The Mackenzie Valley Land and Water Board (the Board) is satisfied that the preliminary screening of Application MV2020Q0005, Nogha Enterprises Limited, Quarry Operations, located approximately 14 km north of Village of Fort Simpson, has been completed in accordance with section 125 of the *Mackenzie Valley Resource Management Act (MVRMA)*.

The Board is satisfied that communities and First Nations affected by the Application have been notified and provided adequate time to provide comment on the Application as required by land claim and self government agreements, the MVRMA, policy directions relating to Interim Measures Agreements, and any other applicable legislation and agreements.

Having reviewed all relevant evidence on the Public Registry, including the submissions of the Applicant, the written comments received by the Board and any Staff Reports prepared for the Board, the Board has decided that in its opinion:

- The proposed development will not have a significant adverse impact on the environment; and
- The proposed development is not a cause of public concern.

The Board is also of the opinion that the Application can proceed through the regulatory process and that any impacts of the development on the environment can be mitigated through conditions of a land use permit.

Preliminary Screening Decision	
<input checked="" type="checkbox"/>	Outside Local Government Boundaries
<input type="checkbox"/>	The development proposal might have a significant adverse impact on the environment, <i>refer it to the EIRB.</i>
<input checked="" type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>
<input type="checkbox"/>	The development proposal might have public concern, <i>refer it to the EIRB.</i>
<input checked="" type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>
<input type="checkbox"/>	Wholly Within Local Government Boundaries
<input type="checkbox"/>	The development proposal is likely to have a significant adverse impact on air, water or renewable resources, <i>refer it to the EIRB.</i>
<input type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>
<input type="checkbox"/>	The development proposal might have public concern, <i>refer it to the EIRB.</i>
<input type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>

Preliminary Screening Organization

Mackenzie Valley Land and Water Board

August 27, 2020

Signature

Mavis Cli-Michaud, Chair