



Yamoga Building, Old Airport Road
PO Box 1, Fort Good Hope NT X0E 0H0

Tel: 867-598-2413 Fax: 867-598-2325
www.slwb.com

March 12, 2024

File: S24X-001

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: Déjine Got'ine Government (DGG) – Notice of Preliminary Screening Determination – Application for Land Use Permit – Geotechnical Drilling – Déjine NT

The Sahtu Land and Water Board (Board) met on March 12, 2024 and considered the Application Packages from Déjine Got'ine Government (DGG) for Land Use Permit (Permit) S24X-001 for the Geotechnical Drilling Program to support the new Solid Waste Disposal Facility (SWDF) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board conducted a preliminary screening based on the public record for the proceedings. 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 Geotechnical Drilling Program 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 S24X-001 on Saturday, March 23, 2024.

The Board and staff look forward to continued communications throughout the pause period. Please contact Paul Dixon via [email](#) or at (867) 322-0302 with any questions or concerns regarding this letter.

Yours sincerely,



Valerie Gordon
Chair, Sahtu Land and Water Board

CC'd to: SLWB - Deline District (JG)
Cyre Yukon, Déjıne Got'ine Government (DGG)

Attached: Preliminary Screening Determination and Reasons for Decision



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Preliminary Screening Determination and Reasons for Decision

Land Use Permit Application	
File Number	S24X-001
Company	Déłıne Got'ine Government (DGG)
Project	Geotechnical Drilling Program
Location	Déłıne, NT
Activity	Miscellaneous
Date of Decision	March 12, 2024

1.0 Decision

In accordance with subsection 124(1) of the [Mackenzie Valley Resource Management Act](#) (MVRMA), the Sahtu Land and Water Board (SLWB or Board) met on March 12, 2024 to make a preliminary screening determination on the Application from Déłıne Got'ine Government (DGG) (Applicant) for Land Use Permit S24X-001 (Permit)¹ for the Geotechnical Drilling Program (Project)² at the new Solid Waste Disposal Facility (SWDF) in Déłıne, NT.

The Board has decided not to refer the new 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.

¹See SLWB Online Registry www.slwb.com for Déłıne Got'ine Government – [Permit Application](#) – Feb 2_24.

² The Project is Geotechnical Drilling Program, 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 determinations, including reasons for its decisions, are detailed in sections [3.0](#) and [4.0](#).

2.0 List of Defined Terms and Acronyms

Applicant	Déłı́nẹ́ Got’ine Government (DGG)
Applications	The complete application package submitted by the Applicant for Land Use Permit S24X-001
Board	Sahtu 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
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	Geotechnical Drilling Program which is the proposed development (as defined in Part 5 of the MVRMA). ³
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
Standard Licence Conditions	LWB Standard Water Licence Conditions Template
Standard Permit Conditions	LWB Standard Land Use Permit Conditions Template
TG	Tłı́chq̓ Government
TK	Traditional Knowledge
WMP	Waste Management Plan

3.0 Background and Scope of Screening

On February 2, 2024, the Déłı́nẹ́ Got’ine Government (DGG) of Déłı́nẹ́, of the Déłı́nẹ́ District, Sahtu Settlement Area, Northwest Territories, applied for a Type A Land Use Permit for the Geotechnical Drilling Program (the Project). The Project is located at the new Solid Waste Disposal Facility (SWDF), within the Municipal Land boundaries, and is in support of the Type B Municipal Water Licence S18L3-001 Renewal at Déłı́nẹ́, NT.

The new Project activities require screening by the Board in accordance with subsection 124(1) of the MVRMA.

³ “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 significant adverse impact on air, water, and/or renewable resources, 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 Activities:

The Project includes a 2-3 day geotechnical investigation in March 2024 to obtain site specific geology, hydrogeology and hydrology data on the perimeter of the SWDF to meet the Environment Climate Change Canada (ECCC) Guidelines for Solid Waste Facilities in Northern and Remote Communities. The details of the Project are as follows:

- In March 2024, transport equipment to/from the site using the open Mackenzie Valley winter road and Déljñę access winter road.
- Using a solid-stem auger drill rig, approximately five boreholes will be drilled and completed as groundwater monitoring wells for the SWDF.
- No camp is required and existing roads will be used for access to the site.
- No brush or trees will be removed.
- No fuel will be stored on site and slip tanks and vehicles will be fueled up at the existing fuel facilities in Déljñę. The slip tank and pump will be used to refuel the drill rig while on site.
- Limited garbage generated by the drilling program will be disposed of daily at the Déljñę SWDF. Recyclable materials will be separated in blue bags and disposed at the appropriate collection centre. If oily rags are produced, they will be transferred to a separate landfill operated by the DGG.
- To date, there has not been any Land Use Permit in place for these 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 February 20, 2024, inviting reviewers to provide comments and recommendations on the Application using the Online Review System (ORS). Comments were due February 29, 2024, with responses from the Applicant due March 6, 2024. The Board received responses from (attached):⁴

- Department of Environment and Climate Change (ECC) - Government of the Northwest Territories (GNWT) - no comments or recommendations.
- Environment and Climate Change Canada (ECCC) – no comments.

⁴ See SLWB Online Registry for Déljñę Got’ine Government – Review Summary Table – Mar 12_24

- Board Staff – Comment about the Waste Management Plan.

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](#).

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 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
Contamination of soil, groundwater and water bodies	Geotechnical drilling and use of equipment	<p>The Applicant proposed the following mitigations in the Application:</p> <ul style="list-style-type: none"> - Follow Spill Contingency Plan - Personnel trained in use of equipment, spill procedures - Fuel stored properly - Spill kits on site - Drip trays under equipment when stationary - Follow Waste Management Plan <p>The Board has standard permit conditions that are typically used to mitigate the identified potential impacts:</p> <ul style="list-style-type: none"> ○ USE APPROVED EQUIPMENT ○ LOCATION OF ACTIVITIES ○ FLOWING ARTESIAN WELL ○ DRILLING NEAR WATER OR ON ICE ○ DRILLING WASTE ○ DRILLING WASTE DISPOSAL ○ DRILLING WASTE CONTAINMENT ○ RECLAIM NON-OIL AND GAS SUMPS ○ WASTE CHEMICAL DISPOSAL ○ WASTE PETROLEUM DISPOSAL ○ WASTE MANAGEMENT PLAN ○ FUEL STORAGE SETBACK ○ FUEL CACHE SECONDARY CONTAINMENT ○ SECONDARY CONTAINMENT – REFUELING ○ FUEL CONTAINMENT ○ FUEL ON LAND ○ MARK CONTAINERS AND TANKS ○ MARK FUEL LOCATION 	<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, and/or renewable resources, and will not be a cause of public concern.</p> <p>The Board’s opinion is based on the relatively small size of each drilling site likely to be affected by the impacts and the small disturbance associated with the Project. The use of existing technology, the reversibility of the impacts, and the reliability of the proposed mitigations and conditions were also considered by the Board for this opinion.</p>

		<ul style="list-style-type: none"> ○ MAXIMUM FUEL ON SITE ○ SEAL OUTLET ○ SPILL CONTINGENCY PLAN ○ SPILL RESPONSE ○ DRIP TRAYS ○ CLEAN UP SPILLS ○ REPORT SPILLS 	
Soil compaction; Loss or change in permafrost	Geotechnical drilling	<p>The Applicant proposed the following mitigations in the Application:</p> <p>Work to occur on frozen ground, access on existing roadways</p> <p>The Board has standard permit conditions that are typically used to mitigate the identified potential impacts:</p> <ul style="list-style-type: none"> ● PERMAFROST PROTECTION ● OFF-ROAD VEHICLE TRAVEL ● SUSPEND OVERLAND TRAVEL ● VEHICLE MOVEMENT FREEZE-UP ● DISPOSAL OF OVERBURDEN ● SAVE AND PLACE ORGANIC SOIL ● NATURAL VEGETATION ● LOCATION OF ACTIVITIES 	<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>The Board’s opinion is based on the magnitude of the impact</p>
Infiltration changes; Changes in water quality	Well installs	<p>The Applicant proposed the following mitigations in the Application:</p> <p>Use bentonite to seal annulus during well installations</p> <p>The Board has standard permit conditions that are typically used to mitigate the identified potential impacts:</p> <ul style="list-style-type: none"> ● NATURAL DRAINAGE ● FLOWING ARTESIAN WELL 	<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>The Board’s opinion is based on the magnitude of the impact</p>

<p>Changes in air quality; Increase in greenhouse gases</p>	<p>Transporting equipment to/from site; Geotechnical drilling</p>	<p>The Applicant proposed the following mitigations in the Application:</p> <p>Air emissions from the drill rig and vehicles will be temporary and localized; Greenhouse gas emissions will be released during the transport of equipment to/from site and during operations. Avoid idling equipment and vehicles if possible.</p> <p>The Board has standard permit conditions that are typically used to mitigate the identified potential impacts:</p> <ul style="list-style-type: none"> • USE APPROVED EQUIPMENT 	<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>The Board's opinion is based on the magnitude of the impact</p>
<p>Introduction of invasive species</p>	<p>Equipment to/from site from out of NT</p>	<p>The Applicant proposed the following mitigations in the Application:</p> <p>Equipment will arrive on site clean, free of dirt and debris</p> <p>The Board has standard permit conditions that are typically used to mitigate the identified potential impacts:</p> <ul style="list-style-type: none"> • CLEAN WORK AREA • HABITAT DAMAGE 	<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>The Board's opinion is based on the magnitude of the impact</p>
<p>Direct injury or mortality (wildlife)</p>	<p>Driving; Geotechnical drilling</p>	<p>The Applicant proposed the following mitigations in the Application:</p> <p>Follow best waste management practices to deter wildlife from work area</p> <p>The Board has standard permit conditions that are typically used to mitigate the identified potential impacts:</p> <ul style="list-style-type: none"> • HABITAT DAMAGE • MIGRATORY BIRD NEST DISTURBANCE 	<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>The Board's opinion is based on the magnitude of the impact</p>

<p>Disturbance to wildlife at key lifecycle stages; Effects on wildlife</p>	<p>Geotechnical drilling</p>	<p>The Applicant proposed the following mitigations in the Application:</p> <p>Unlikely to occur, work during March (winter) at existing SWDF with regular operations; No drilling additives will be used; Follow SCP to reduce potential for spills.</p> <p>The Board has standard permit conditions that are typically used to mitigate the identified potential impacts:</p> <ul style="list-style-type: none"> • MIGRATORY BIRD NEST DISTURBANCE • HABITAT DAMAGE • USE APPROVED EQUIPMENT • SPILL CONTINGENCY PLAN 	<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>The Board’s opinion is based on the magnitude of the impact</p>
<p>Impairment of recreational or traditional uses of land or water</p>	<p>Geotechnical drilling</p>	<p>The Applicant proposed the following mitigations in the Application:</p> <p>Work to occur over 2-3 days at the SWDF; access will be limited in direct work area of the drill rig during this time.</p> <p>The Board has standard permit conditions that are typically used to mitigate the identified potential impacts:</p> <ul style="list-style-type: none"> • ENGAGEMENT PLAN 	<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>The Board’s opinion is based on the magnitude of the impact</p>

4.1 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 thus far, 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 Friday March 22, 2024, the Board can issue the Permit on Saturday, March 23, 2024.

SIGNATURE



March 12, 2024

Valerie Gordon, Chair
Sahtu Land and Water Board

Date