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January 28, 2021

File: W2018C0002

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: Rover Metals Corp. – Notice of Preliminary Screening Determination –Land Use Permit Amendment Request – W2018C0002 [Mineral Exploration – Cabin Lake Group Project, NT]

The Wek'èezhii Land and Water Board] (Board) met on January 27, 2021 and considered the Request from Rover Metals Corp. for Land Use Permit (Permit) [W2018C0002] to consider winter access to the Cabin Lake Property 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 the amended Permit W2018C0002 on **February 8, 2021**.

The Board and staff look forward to continued communications throughout the pause period. Please contact Ryan Fequet at (867) 765-4589 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "J. Mackenzie", is written over a light blue horizontal line.

Joseph Mackenzie
Wek'èezhii Land and Water Board, Chair

Copied to: Ron Woo, Rover Metals Corp.
Blind Copied to: Wek'èezhii Distribution List

Attached: Preliminary Screening Reasons for Decision



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Reasons for Decision

Preliminary Screener	WLWB
Reference/File Number:	W2018C0002(Type "A" Land Use Permit)
Permittee:	Rover Metals Corp.
Subject:	Type A Land Use Permit Amendment Request Preliminary Screening

Decision from the Wek'èezhìi Land and Water Board Meeting of January 28, 2021

1.0 Decision

The Wek'èezhìi Land and Water Board (WLWB or the Board) met on November 19, 2020 and considered an Amendment Request (the Request) from Rover Metals Corporation (Rover Metals Corp. or Rover). The Board conducted a preliminary screening of the Application according to subsection 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA) based on the application package and the public record for the proceeding. Based on the evidence provided, it is the Board's view that the proposed Amendment will not have a significant adverse impact on the environment or be a cause for public concern as set out in paragraph 125(1)(a) of the MVRMA. Therefore, the Board has decided to **not to refer** the Project to Environmental Assessment.

In accordance with subsection 125(1.1) of the MVRMA, the Board shall not issue a licence, permit, or other authorization for the development before the end of 10 days after the day on which the Mackenzie Valley Environmental Impact Review Board (Review Board) received the report of the determination. If no referral to environmental assessment is received by February 7, 2021, the Board will issue the amended Land Use Permit.

2.0 Background

The WLWB issued the Permit on July 21, 2018 for a period of five years commencing July 19, 2018 and expiring July 18, 2023 to conduct mineral exploration activities at the Cabin Lake, Camp Lake, and Slemon Lake Properties (see Attachment 1). In the Reasons for Decision during issuance, the Board indicated that as per Part C, condition 5 of the Land Use Permit, “Rover is only permitted to conduct this land-use operation on any lands included in the Application and within the designated excluded parcels” and that Rover would need to work with the Tłıchq Government (TG) to obtain the necessary access agreement to access lands not within the designated excluded parcels. The Board stated that in order for the Board to consider the potential impacts to this area, “the Permittee must apply for a Land Use Permit Amendment.”

On December 21, 2020, Rover submitted a complete Request to amend Part C, condition 5 of its Type A Land Use Permit. No changes to the wording of the condition were proposed. Instead, the Amendment Request relates to the lands referred to in Part C, condition 5 (i.e., “lands not designated in the complete application”). Specifically, Rover has requested the Permit be amended to include access to Tłıchq Lands for the purpose of accessing the Cabin Lake Property by winter road, and barge or boat during other months. The proposed route would include access through Russell Lake and a previously used trail that leads from the north end of Russell Lake to the Cabin Lake Property. To support its request, Rover provided a map, a draft security sheet, a letter from the TG, an impacts and mitigation table, and several plans.

The Request and supporting information were distributed for public review on December 21, 2020, along with the previous Preliminary Screening, inviting Parties to provide comments and recommendations using the Online Review System (ORS) by January 11, 2021.^{1,2} No draft Permit was circulated for review because the Amendment Request did not include any proposed changes to the Permit conditions or to the activities included within the existing Permit (further discussed in section 4.3.1). This Request is subject to preliminary screening, as required under subsection 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA) and so Parties were encouraged to provide comments and recommendations on impacts and mitigation measures to assist with the completion of the preliminary screening. Comments and recommendations were received by the Government of the Northwest Territories Department of Environment and Natural Resources Environmental Assessment and Monitoring (GNWT-ENR-EAM), the TG, and the Wek'èezhii Renewable Resources Board (WRRB). Board staff also submitted questions. The GNWT-Department of Lands stated that the Inspectors had no concerns with the proposed amendment to allow access into Tłıchq Lands via an existing winter road and overland portage routes on the north side of Russell Lake. Rover submitted responses by the response deadline of January 18, 2021. Reviewer recommendations and Proponent responses are available on the WLWB Online Registry.³

¹ See WLWB Online Registry for [W2018C0002 - Rover Metals - LUP Amendment Request and Supporting Info - Dec 21 20](#)

² See WLWB Online Registry for [W2018C0002 - Rover Metals - Preliminary Screening Form - Jul 19 18](#)

³ See WLWB Online Registry for [W2018C0002 - Rover Metals - LUP Amendment - Review Summary and Attachments - Jan 19 21](#)

3.0 Preliminary Screening

3.1 Preliminary Screening and Land Use Permit Request

In accordance with subsection 124(1) of the MVRMA, the Board must conduct a preliminary screening of the Request. The preliminary screening identifies potential impacts and mitigations for the proposed activities. As per subsection 125(1), the Board must: (a) determine and report to the Review Board whether, in its opinion, the proposed development might have a significant adverse impact on the environment or might be a cause of public concern.⁴

As mentioned in the background section, the Amendment to the Land Use Permit is required to ensure that the potential impacts associated with access to the Cabin Lake Property have been considered (i.e., screened). Rover originally proposed all-season access to the Cabin Lake Property by ice road during the winter and by boat or barge through Russell Lake during the other months. However, during the public review Rover clarified that it is only requesting *winter access* on Tłı̄chǫ Lands via two proposed ice road route options (see response to TG comment 3).^{5,6} Consequently, the Board have completed a preliminary screening of activities only related to winter road access in accordance with subsection 124(1) of the MVRMA (see next section). Should all-season access be required in the future, another Land Use Permit Amendment and appropriate access agreements will be required.

3.2 Potential Impacts and Proposed Mitigations

Rover completed a potential environmental impacts and proposed mitigations table to support its Amendment Request. During the public review, reviewers were encouraged to provide comments and recommendations on impacts and mitigation measures to assist with the Board’s preliminary screening determination. Comments and questions were received during the public review regarding potential impacts from the proposed activities. Only activities identified by Rover in its Amendment Request and relevant to winter road access are discussed in Table 1, along with the Board analysis.

Table 1: Summary of Potential Impacts of the proposed Application and proposed Mitigations

Potential Impacts	Activity	Discussion of Potential Impacts and Proposed Mitigations
Soil contamination	Construction and use of a winter road	<ul style="list-style-type: none">• Concerns:<ul style="list-style-type: none">○ Spills could lead to potential soil contamination.• Mitigations<ul style="list-style-type: none">○ In the amendment request, Rover indicated that it would use spill kits and any oil or fuel waste products would be

⁴ See WLWB Website under Acts and Regulations for the (2019) Mackenzie Valley [Resource](#) Management Act, Sec. 125(1) on PDF pg. 99

⁵ See WLWB Online Registry for [W2018C0002 - Rover Metals - LUP Amendment - Review Summary and Attachments - Jan 19 21](#); see response to Tłı̄chǫ Government comment 1

⁶ Ibid; see responses to Tłı̄chǫ Government comments 3 and 4

		<p>stored in sealed containers and removed on a weekly basis.</p> <ul style="list-style-type: none"> ○ The Permit includes a condition for a Spill Contingency Plan, Condition #61. The Plan includes mitigation measures with regards to potential spill contaminations. <ul style="list-style-type: none"> ● Board Analysis and Determination: Based on the mitigations described above and the lack of concern raised by Parties, the Board does not believe these activities associated with the Project will have a significant adverse impact on the environment or will be a cause of public concern.
Soil compaction	Use of a winter road and access to sites	<ul style="list-style-type: none"> ● Concerns: <ul style="list-style-type: none"> ○ On-land portion of the road may lead to soil compaction. ● Mitigations <ul style="list-style-type: none"> ○ In the amendment request, Rover indicated that the access trail was constructed by the previous owners of the mineral claims and has been previously compacted. ○ The Permit includes several conditions to reduce soil compaction, including: Off-Road Vehicle Travel Condition #21, Prevention of Rutting Condition #22, Suspended Overland Travel Condition #23, and Vehicle Movement Freeze-up Condition #24. ● Board Analysis and Determination: <ul style="list-style-type: none"> ○ Based on the mitigations described above and the lack of concern raised by Parties, the Board does not believe these activities associated with the Project will have a significant adverse impact on the environment or will be a cause of public concern.
Direct loss or removal of habitat, dens, or nests and Effects on population abundance	Construction of a winter road, withdrawal of water from a watercourse	<ul style="list-style-type: none"> ● Concerns: <ul style="list-style-type: none"> ○ <u>Identified during the public review:</u> During the public review, the GNWT-ENR-EAM (comment 1) asked Rover to conduct a survey prior to commencing activities to determine the presence of

		<p>any nearby muskrat push-ups or beaver lodges. GNWT-ENR-EAM also asked Rover to ensure that the water use locations were reasonably distant from any of these features.</p> <ul style="list-style-type: none"> ○ WRRB stated during the public review (comment 2) that without a WMMP, “there is no assurance that the project’s potential impacts are understood and that mitigation will occur”. The WRRB did not identify any specific potential impacts of concern but recommended that Rover complete a Tier 1 Wildlife Management and Monitoring Plan (WMMP). <ul style="list-style-type: none"> ● Mitigations: <ul style="list-style-type: none"> ○ Rover responded to GNWT-ENR-EAM comment 1 stating that it would follow the recommendation as provided and committed to withdraw water away from wildlife, in sufficiently deep water, and using the required intake filters to protect wildlife and fish. ○ In response to the WRRB’s comment 1, Rover provided a Tier 1 Wildlife Management and Monitoring Plan (see response to WRRB comment 1). ○ The Permit includes a condition (Habitat Damage - condition #41 of the Permit) that requires the Permittee to take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. ● Board Analysis and Determination: <ul style="list-style-type: none"> ○ Based on the mitigations described above, including Rover’s responses to GNWT-ENR-EAM and WRRB, the Board does not believe these activities associated with the Project will have a significant adverse impact on the environment or will be a cause of public concern.
<p>Potential Impacts and Mitigation on and wildlife and wildlife habitat</p>	<p>Construction of a winter road, withdrawal of water from a watercourse</p>	<ul style="list-style-type: none"> ○ See Potential Impact: ‘Direct loss or removal of habitat, dens, or nests and Effects on population abundance’

3.3 Public Concern

In addition to determining if the development is likely to have a significant adverse impact on the environment, the Board must also consider whether the proposed development might be a cause of public concern. Although public concern may be less clearly defined than the questions related to significant adverse impacts on the environment, it is the Board’s responsibility to evaluate public concern as a potential trigger for an Environmental Assessment. The Board notes that no reviewers voiced public concern in review of the application. In addition, in reviewing the comments provided during the public review, the Board did not identify any comments or issues that indicate a possible cause for public concern.

3.4 Overall Preliminary Screening Decision

The Board has reviewed all the evidence received from Rover and reviewers with respect to the preliminary screening of winter access to the Cabin Lake Property via a winter road on Tłıchǫ Lands. Based on the mitigations, responses to reviewer comments during the public review process, and the absence of comments indicating that this Request should be referred to the Review Board, it is the Board’s view that the proposed Amendment will not have a significant adverse impact on the environment or be a cause of public concern and has decided not to refer the Request to Environmental Assessment.

Signed the 28th Day of January 2021, on behalf of the Wek’èezhìi Land and Water Board



Witness



Joseph Mackenzie
Chair, Wek’èezhìi Land and Water Board