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June 22, 2021

File: W2021J0003

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: Tłıchq Government's Ekwò Nàxoèhdee K'è Project – Notice of Preliminary Screening Determination – Application for Land Use Permit – Camps – Point Lake [Deèzàatì] and Contwoyto Lake [Kokètì], NT

The Wek'èezhì Land and Water Board (Board) met on June 22, 2021 and considered the Application from Tłıchq Government (TG) for Land Use Permit (Permit) W2021J0003 for the Ekwò Nàxoèhdee K'è Project at Point Lake [Deèzàatì] and Contwoyto Lake [Kokètì], NT (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 W2021J0003 on **Saturday July 3, 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'.

Joseph Mackenzie
Chair, Wek'èezhìi Land and Water Board

BCC'd to: Wek'èezhìi Distribution List
Petter Jacobsen, Tłı̨chǫ Government

Attached: Preliminary Screening Determination and Reasons for Decision



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Preliminary Screening Determination and Reasons for Decision

File Number	Type A Permit W2021J0003
Company	Tł̨chq̨ Government (TG)
Project	Ekwò Nàxoèhdee K'è Camps Project
Location	Point Lake [Deèzàati] and Contwoyto Lake [Kokèti], NT
Activity	Two Camps - Caribou Monitoring
Date of Decision	June 22, 2021

1.0 Decision

In accordance with subsection 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA), the Wek'èezhìi Land and Water Board (Board) met on June 22, 2021 to make a preliminary screening determination on the Application from Tł̨chq̨ Government (TG) (Applicant) for Land Use Permit W2021J0003 (Permit)¹ for the Ekwò Nàxoèhdee K'è Project at Point Lake [Deèzàati] and Contwoyto Lake [Kokèti], NT (Project).²

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 will not have a significant adverse impact on the environment or be a cause of public concern.

The Board's determination, including reasons for its decision, are detailed in the sections 3 and 4.

¹See WLWB Online Registry [www.wlwb.ca] for [W2021J0003 - TG - Ekwò Nàxoèhdee K'è Camps - Land Use Permit Application - May 14 21](#).

² The Project is the Ekwò Nàxoèhdee K'è Project, 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."

2.0 Background and Scope of Screening

The WLWB received a Land Use Permit Application from the TG on May 14, 2021.³ The purpose of the Application is to allow the TG to operate two camps for the caribou monitoring program (i.e., Ekwò Nàxoèhdee K'è [Boots on the Ground] that has been in operation since 2016) and monitor current conditions of the Bathurst Caribou herd and its habitat. The Program is to observe the health aspects and behavioral patterns of the Bathurst Caribou and potential effects from natural and human factors on the herd. The two camps are located at Kokèti (Contwoyto Lake area, NT) and Deèzàati (Point Lake area, NT). The camps will be in operation from July 1 until the end of September each year and closed for the remainder of the year. The camp located at Kokèti will be in operation for the three months and the camp located at Deèzàati will be in operation only in September of each year.

In accordance with paragraph 125(1)(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 might have a significant adverse impact on the environment or might be a cause of public concern. The details of the Board's analysis are set out in section 3 below.

Public Record and Regulatory Proceeding

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Application, supporting materials, and a draft Permit for public review on May 14, 2021.⁴ Parties were invited to provide comments and recommendations using the Online Review System (ORS) by June 4, 2021. In the Item for Review, Parties were encouraged to provide comments and recommendations (e.g., on impacts and mitigation measures) to assist with the completion of the preliminary screening. Responses to reviewer comments were due June 11, 2021.

Comments and recommendations were received from the Government of the Northwest Territories Department of Lands (GNWT-Lands) Inspector; Board staff also submitted questions. GNWT Environment and Natural Resources Environmental Assessment and Monitoring (GNWT-ENR-EAM) and the Wek'èzhii Renewable Resources Board (WRRB) indicated they had no comment or recommendation at this time. Additionally, a letter from GNWT-Lands was received indicating there was no concerns from Territorial Lands Administration and the Mining Recorder's Office indicated no concerns. Reviewer recommendations and proponent responses are available on the WLWB Online Registry.⁵

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.

³ See WLWB (www.wlwb.ca) Online Registry for [W2021J0003 - TG - Ekwò Nàxoèhdee K'è Camps - Land Use Permit Application - May 14 21](#)

⁴ See WLWB Online Registry for [W2021J0003 - TG - Ekwò Nàxoède K'è Camps - Draft Land Use Permit - May 14 21](#)

⁵ See WLWB Online Registry for [W2021J0003 - TG - Ekwò Nàxoède K'è Project - Review Summary and Attachments - Jun 11 21](#)

3.0 Potential Impacts and Proposed Mitigations

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. An Impact-Mitigation Table was included as part of the Application [i.e., Section 17 of the Application].

The Board has completed a preliminary screening as required by the MVRMA using the information provided in the Application and during the regulatory proceeding. Table 1 below summarizes:

- the potential impacts and proposed mitigations for the proposed Project;
- the concerns that were identified during the regulatory proceeding and how the Applicant addressed those concerns; 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>	The Board's Analysis and Determination
Soil contamination, Soil compaction, Destabilization/erosion, Change to soil structure, inability to support vegetation, infiltration changes, and Changes in water quality	Transfer, storage, and use of petroleum products and/or chemicals, use of motorized and heavy equipment	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> ○ Fuel drum containment berms; spill kits (Section 17 of the Application): ○ TG stated that all gasoline and aviation fuel drums will be stored in individual containment berms at least 31 metres away from the water and that empty fuel drums and propane tanks will be returned to Basset Petroleum in Yellowknife via floatplanes. TG also stated that gasoline in drums will be transferred via a hand pump from the fuel drum to jerry cans; the transfer of fuel will take place when drums are in the containment berms. The gasoline will then be transferred from the jerry cans to the fuel tank on the boats (Sections 13,14, and 15 of the Application). ○ The TG also stated that a general-purpose spill kit (95 gallon) will be stored next to the fuel drum containment berms and it will contain a 95-gallon overpack with lids, 100 sorbent pads, 4 booms, 10 sorbent pillows, goggles, gloves, and disposable bags; any spills will be cleaned up using the spill kit and reported to GNWT-ENR, GNWT-Lands, and to the WLWB (Section 15 of the Application). • The Board has standard conditions which are typically used to mitigate the described impact: <ul style="list-style-type: none"> ○ Fuel Containment ○ Fuel Storage Setback 	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.

		<ul style="list-style-type: none"> ○ Secondary Containment - Refueling ○ Seal Outlet ○ Spill Response ○ Clean up Spills ○ Report Spills 	
Soil contamination, Soil compaction, Infiltration changes, and changes in water quality	On-site storage or disposal of wastes (domestic garbage, sewage, waste petroleum products, drilling waste and hydraulic flowback fluids, hazardous wastes, etc.)	<ul style="list-style-type: none"> ● The Applicant proposed the following mitigations: <ul style="list-style-type: none"> ○ All camp garbage will be removed by floatplane to Yellowknife and disposed at Yellowknife Solid Waste Facility. ○ A dug-out outhouse for sanitary waste. Approximately 20L/day greywater from cleaning dishes is disposed in a natural depression at least 31 metres away from the lake shore. ● The Board has standard conditions which are typically used to help mitigate potential impacts: <ul style="list-style-type: none"> ○ Sump Setback ○ Waste Management ○ Garbage Container ○ Sewage Disposal - Plan 	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.

3.1 Consideration of Potential Impacts

Based on the potential impacts and proposed mitigations identified above in Table 1, the Board considered whether the Project might have a significant adverse impact on the environment. To determine whether a potential adverse impact might be significant, the Board's analysis considered factors that could affect significance, such as location, project, and impact.

The Board believes that impacts of the Project on the environment can be mitigated through the use of standard permit conditions and/or project-specific conditions established by the Board as per the MVLWB [Standard Process for Creating New Conditions](#). These conditions include requirements for management 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 has considered all of the evidence provided through the regulatory proceeding.

3.2 Consideration of Public Concern

In addition to considering the potential impacts of the Project, the Board needs to consider 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.

4.0 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 will not have a significant adverse impact on the environment or be a cause of public concern, as set out in paragraph 125(1)(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 July 2, 2021, the Board will issue the Permit on July 3, 2021.

SIGNATURE



June 22, 2021

Joseph Mackenzie
Chair, Wek'èezhìi Land and Water Board

Date