



PO Box 32, Wekweètì NT X0E 1W0
Tel: 867 713-2500 Fax: 867-713-2502

#1-4905 48th Street, Yellowknife NT X1A 3S3
Tel: 867-765-4592 Fax: 867-765-4593
www.wlwb.ca

June 22, 2021

File: W2016E0004/W2021L8-0001

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: Quarry at KM 80 of the Tł̨chq̨ All-Season Road (TASR) – Notice of Preliminary Screening Determination – Application for Water Licence and Request to Amend Land Use Permit – [Miscellaneous – KM 80 of the TASR, NT]

The Wek'èezhii Land and Water Board (Board) met on June 22, 2021 and considered the Water Licence Application (W2021L8-0001) and Land Use Permit Amendment Request (W2016E0004) from the Government of the Northwest Territories Department of Infrastructure (GNWT-INF) for the quarry at KM 80 of the Tł̨chq̨ All-Season Road 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 the amended Permit W2016E0004 and Licence on **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', with a small blue mark above the end of the signature.

Joseph Mackenzie
Chair, Wek'èezhii Land and Water Board

BCC'd to: TASR Distribution List
 Ziaur Rahman, GNWT-INF

Attached: Preliminary Screening Determination and Reasons for Decision



PO Box 32, Wekweètì NT X0E 1W0
Tel: 867 713-2500 Fax: 867-713-2502

#1-4905 48th Street, Yellowknife NT X1A 3S3
Tel: 867-765-4592 Fax: 867-765-4593
www.wlwb.ca

Preliminary Screening Determination and Reasons for Decision

File Number	Type B Licence W2021L8-0001 and Type A Permit W2016E0004
Company	Government of the Northwest Territories - Department of Infrastructure (GNWT-INF)
Project	Quarry at KM 80 of the Tłı̄chq All-Season Road (TASR)
Location	Quarry at KM 80, TASR, NT
Activity	Miscellaneous – Development of Quarry at KM 80 of the TASR
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 Land Use Permit Amendment Request and Water Licence Application from the Government of the Northwest Territories - Department of Infrastructure (GNWT-INF) (Applicant) for Land Use Permit W2016E0004 (Permit)¹ and Water Licence W2021L8-0001 (Licence)² for the Development of the Quarry at KM 80 of the TASR (Project).³

The Board has decided not to refer the proposed changes to the 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 changes to the Project will not have a significant adverse impact on the environment or be a cause of public concern.

The Board's determinations, including reasons for its decisions, are detailed in sections 3 and 4.

¹See WLWB (www.wlwb.ca) Online Registry for [W2016E0004 – TASR – LUP Amendment and Type B WL Application – Quarry KM80 – May 20 21](#)

² Ibid.

³ The Project is the Tłı̄chq All-Season Road (TASR), 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 TASR Project is a 97 km-long dual-lane gravel highway running from KM 196 on Highway 3 near Behchokò, to Whatì, consisting of a 60 metre (m) right-of-way and 16 water crossings that require culverts or bridges. In addition to the Construction, operation, and maintenance of the road and Water crossings, this project also requires the operation of camps, and the development of quarries.

On May 20, 2021, the WLWB received a Land Use Permit Amendment Request and a Type B Water Licence Application from GNWT-INF to authorize the development and use of a quarry (at KM 80) to support the Construction of the TASR.⁴ With its submissions, GNWT-INF provided a support letter from the Tłı̨chǫ Government (TG) for the use of the quarry at KM80; an engagement record; and Version 5.0 of Quarry Operations Plan that includes Acid Rock Drainage/Metal Leaching Data and an Archaeological Impact Assessment (AIA) Report.⁵

In accordance with paragraph 125(1)(a) of the MVRMA, the Board must conduct a preliminary screening of the proposed changes to the Project to determine and report to the Review Board whether, in its opinion, the proposed changes to the 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.

Scope of Screening:

The TASR Project has undergone several preliminary screenings, including: Environmental Assessment (EA-1617-01), and Preliminary Screening dated May 30, 2019,⁶ November 18, 2019,⁷ June 18, 2020,⁸ and September 23, 2020.⁹

Previously Screened Activities:

Previously screened activities¹⁰ are listed below for reference, to ensure all ongoing and proposed activities are described in this current screening of the Project.

- Construction, maintenance and operation of an all-season highway;
- Development and operation of quarries, including associated access roads;
- The operation of construction camps, including equipment, fuel and material storage areas and maintenance facilities;
- The use of explosives;
- The use of self-propelled earth-moving equipment, and vehicles and machines over 10 tons;

⁴ See WLWB (www.wlwb.ca) Online Registry for [W2016E0004 – TASR – LUP Amendment and Type B WL Application – Quarry KM80 – May 20 21](#)

⁵ See WLWB Online Registry for [Engagement Record, Quarry Operation Plan Version 5.0](#) with [Archaeological Impact Assessment – May 20_21](#)

⁶ See WLWB Online Registry for [W2016E0004 – TASR – Preliminary Screening – May 30 19](#)

⁷ See WLWB Online Registry for [W2016E0004 – TASR – Amendment 1 – PS Determination and Reasons for Decision – Nov 18 19](#)

⁸ See WLWB Online Registry for [W2016L8-0001 – TASR – WL Amendment – PS Determination Notification and RFD – Jun 18 20](#)

⁹ See WLWB Online Registry for [W2020L8-0001 – TASR – WL PS Determination Notification and RFD – Sep 24 20](#)

¹⁰ See Scope included in Water Licence [W2020L8-0001](#) and Permit [W2016E0004](#)

- The establishment of petroleum storage facility;
- The use of earth-drilling machinery;
- Construction of access roads and winter roads;
- Construction of bridges and culverts;
- Withdrawal and use of Water from the Water Sources identified in Part C, Condition 3;
- Construction, operation, and maintenance of road and Water crossings;
- Construction, operation, and decommissioning of a Sewage Disposal Facility;
- Construction, operation, and maintenance of groundwater well (Water Source ID 16);
- Depositing of Waste; and
- Progressive Reclamation and associated Closure and Reclamation activities.

During the TASR Environmental Assessment (EA1617-01), the Review Board considered the effects of construction and road operations on the environment including water, and specifically addressed potential impacts at the Project's proposed quarry sites.¹¹ Quarrying activities have the potential to generate a variety of wastes and to affect watercourses in the vicinity of such a facility. As per the above, quarrying activities were scoped into the Permit and Licence for the TASR Project; however, the areas in which quarrying could occur, were specified.

Previously Screened Areas:

The Project¹² or appurtenant undertaking described in the TASR Licence was based on the GNWT-INF application and supporting materials, including the Information Package. The evidence submitted by the GNWT-INF as part of its Post Environmental Assessment Information Package (Information Package) on January 7, 2019, identified 21 potential quarry or borrow sites to support the TASR Project.¹³ Information about these sites was considered by reviewers and the Board during the regulatory proceeding which led to the drafting and issuance of a Type B Licence (W2016L8-0001) and Type A Land Use Permit (W2016E0004) for the TASR Project,^{14,15} in May of 2019. In November 2020, the Water Licence was replaced by a Type A Licence W2020L8-0001 for reasons issued at the time.¹⁶ The 21 potential quarry or borrow sites needed for the Project are currently regulated under W2020L8-0001 and W2016E0004.

¹¹ See Mackenzie Valley Environmental Impact Review Board Public Registry for the [TASR Report of the Environmental Assessment and Reasons for Decision](#).

¹² Defined as follows: "Project" means the undertaking as described in Part A, Condition 1 (a) of this licence. Part A, Condition 1(a) is the Scope of the licence.

¹³ See WLWB Online Registry for [W2016E0004 – TASR – LUP Application – Jan 8 19](#) and [W2016L8-0001 – TASR – WL Application – Jan 8 19](#)

¹⁴ See WLWB Online Registry for [W2016E0004 – TASR – Land Use Permit – May 30 19](#).

¹⁵ See WLWB Online Registry for [W2016L8-0001 – TASR – Water Licence – May 30 19](#). This licence was cancelled on request of the licensee on January 21, 2021.

¹⁶ See WLWB Online Registry for [W2020L8-0001 – TASR – Type A Water Licence – Issuance Letter and Licence – Nov 19 20](#)

New Areas:

Part C, Condition 7 of W2016E0004 and Part B, Condition 5 of W2020L8-0001 requires that Project activities be confined to the locations described in the application. The quarry locations covered by the current licence do not include the new quarry that GNWT-INF is proposing at KM 80 as it was not among any of the sites listed in the water licence application received by the Board. Because of the content of the GNWT-INF applications and the specific wording of Part B, Condition 5, the quarry at KM 80 was thus not part of the scope of development and therefore new quarrying activity at this location is subject to Part 5 of the *Mackenzie Valley Resource Management Act* (MVRMA).

Public Record and Regulatory Proceeding

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Amendment Request, the Water Licence Application, and a draft Licence for public review on May 20, 2021, inviting reviewers to provide comments and recommendations on the submissions and the preliminary screening (e.g., on impacts and mitigation measures) using the Online Review System (ORS). Comments were due June 10, 2021, with responses from the Applicant due June 15, 2021. The Board received comments and recommendations from the Government of the Northwest Territories Department of Lands (GNWT-Lands) Inspector, GNWT Prince of Wales Northern Heritage Centres (GNWT-PWNHC), and Environment and Climate Change Canada (ECCC); Board staff also submitted a question. The Wek'èzhì Renewable Resources Board (WRRB) commented indicating it had no recommendations at this time. Reviewer recommendations and proponent responses are available on the WLWB Online Registry.¹⁷

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. The Board is also satisfied that the Tłıchq Government has been consulted in accordance with section 63 of the MVRMA.

3.0 Potential Impacts and Proposed Mitigations

In the amendment request and section 10 of the Water Licence Application, the GNWT-INF states that “the existing and approved Management Plans for W2016E0004 will be used to mitigate any potential impacts that may result from the quarry development”. No Impact-Mitigation Table was completed as part of the Application; however, the Board has conducted its own analysis of potential impacts and proposed mitigations of the Amendment Request and the Water Licence Application and has completed a preliminary screening as required by the MVRMA using the information provided 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.

¹⁷ See WLWB Online Registry for [W2021L8-0001 – TASR Quarry KM80 – Review Summary and Attachments – Jun 15 21](#)

Table 1: Potential Impacts and Proposed Mitigations for the Proposed Changes to the Project (Proposed Quarry at KM 80 of the TASR)

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board's Analysis and Determination
<p>Land and Vegetation Impacts (including Direct loss of vegetation; Soil Contamination; Destabilization/erosion)</p>	<p>Clearing; transfer, storage, and use of explosives; use of motorized and heavy equipment; quarrying</p>	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> • GNWT-INF stated in its cover letter and in section 10 of the Application that “the existing and approved Environmental Management Plans...will be used to mitigate any potential impacts that may results from the quarry development”. • As part of its submission, GNWT-INF also submitted a revised Quarry Operations Plan (V5.0) with Acid Rock Drainage/Metal Leaching Data and an Archaeological Impact Assessment. • The Board has existing standard Permit condition(s) in W2016E0004 which are typically used to mitigate the described impact: <ul style="list-style-type: none"> • Natural Drainage • Clean up Spills • Minimize Area Cleared • Natural Vegetation • Tree Screen • Brush Disposal/Time • The Board can carry over Licence conditions from W2020L8-0001 where: <ul style="list-style-type: none"> • The Licensee shall comply with the Quarry Operations Plan, once approved. • The Licensee shall comply with the approved Erosion and Sediment Control 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>Permafrost Impacts (including loss or change in extent, changes</p>	<p>Clearing; transfer, storage, and use of explosives; use of</p>	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: 	<p>Based on the described mitigations, it is the Board's opinion that the proposed activities will not have a</p>

<p>in seasonal fluctuations, change in persistence, and other)</p>	<p>motorized and heavy equipment; quarrying</p>	<ul style="list-style-type: none"> • <i>See proposed following mitigation under Land and Vegetation Impacts above.</i> • The Board can carry over licence conditions from W2020L8-0001 where: <ul style="list-style-type: none"> • The licensee shall comply with the approved Permafrost Management Plan 	<p>significant adverse impact on the environment and will not be a cause of public concern.</p>
<p>Surface Water and Aquatic Habitat Impacts (including water flow or level changes; drainage pattern changes; temperature changes; changes in water quality; wetland impairment; toxins, metals, sediment, etc.; changes to aquatic habitat, and other)</p>	<p>Clearing; transfer, storage, and use of explosives; use of motorized and heavy equipment; quarrying near water</p>	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> • <i>See proposed following mitigation under Land and Vegetation Impacts above.</i> • In response to ECCC comment 1 of the public review According to Appendix B of the V5.0 of the QOP, the nearest watercourse is located 40 m away from the proposed quarry location. In response to ECCC’s comment, GNWT-INF noted that there is “no further blasting anticipated during the 2021 construction seasons as part of any quarry development or expansions” and that the approved Fish and Fish Habitat Protection Plan (V1.1) has “sufficient protection” from blasting activities. • The Board has existing standard Permit condition(s) in W2016E0004 which are typically used to mitigate the described impact: <ul style="list-style-type: none"> • Quarry Setback • Natural Drainage • Watercourse Buffer • Excavate Near Watercourse • Waste Management • Fuel Containment • Clean up Spills • The Board can carry over licence conditions from W2020L8-0001 where: <ul style="list-style-type: none"> • The Licensee shall comply with the Quarry Operations Plan, once approved. 	<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>Groundwater Impacts (including Water table alteration, infiltration changes, changes in</p>	<p>Transfer, storage, and use of explosives; use of motorized and</p>	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> • <i>See proposed following mitigation under Land and Vegetation Impacts above.</i> 	<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</p>

water quality, temperature changes, and other)	heavy equipment; quarrying	<ul style="list-style-type: none"> • See existing conditions for ‘Land and Vegetation Impacts’ and ‘Surface Water and Aquatic Habitat Impacts’, which can be used to mitigate the described impact. 	environment and will not be a cause of public concern.
Wildlife and Wildlife Habitat Impacts (including Direct loss or removal of habitat, dens, or nests; Sensory Disturbance; Direct injury or mortality; Human-wildlife conflicts)	Clearing; transfer, storage, and use of explosives; use of motorized and heavy equipment; quarrying	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> • <i>See proposed following mitigation under Land and Vegetation Impacts above.</i> • The Board has existing standard Permit condition(s) in W2016E0004 which are typically used to mitigate the described impact: <ul style="list-style-type: none"> • Habitat Damage • The Board can carry over licence conditions from W2020L8-0001 where: <ul style="list-style-type: none"> • The licensee shall comply with the approved Wildlife Management and Monitoring 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.
Cultural Integrity and Heritage Resources Impacts	Clearing; transfer, storage, and use of explosives; use of motorized and heavy equipment; quarrying	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations: <ul style="list-style-type: none"> • <i>See proposed following mitigation under Land and Vegetation Impacts above.</i> • The Board has existing standard Permit condition(s) in W2016E0004 which are typically used to mitigate the described impact: <ul style="list-style-type: none"> • Archaeological Buffer • Site Disturbance • Site Discovery and Notification • AIA • The Board can carry over licence conditions from W2020L8-0001 where: <ul style="list-style-type: none"> • The licensee shall comply with the approved Archaeological Site Chance Find Protocol 	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 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 and licence 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 Licence, and which may be from the Board's standard conditions list or established by the Board as per the MVLWB [Standard Process for Creating New Conditions](#).

These conditions may include requirements for management and monitoring plans (e.g., Quarry Operations Plan) that provide detailed information regarding the implementation of mitigation measures and the evaluation of their effectiveness.

A draft Licence 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 of the evidence provided through the regulatory proceeding. No changes were required for the Land Use Permit and so it was distributed for review.

3.2 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.

4.0 Conclusion

The Board has reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed changes to the Project. Based on the evidence, it is the Board's opinion that the proposed changes to the 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 changes to the 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 Amended Permit and Licence on July 3, 2021.

SIGNATURE



June 22, 2021

Joseph Mackenzie
Chair, Wek'èezhìi Land and Water Board

Date