



Mackenzie Valley Land and Water Board
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Staff Report

Company: City of Yellowknife	
Location: Yellowknife, NT	Application: MV2009L3-0007
Date Prepared: October 27, 2009	Meeting Date: November 5, 2009
Subject: Exemption from Preliminary Screening	

1. Purpose/Report Summary

To present to the Mackenzie Valley Land and Water Board (the Board) the issue of exemption from preliminary screening for the Type "A" Water Licence (WL) renewal application submitted by the City of Yellowknife.

2. Background

- July 10, 2009 – City of Yellowknife submitted the Municipal Water Licence Renewal Application;
- July 20, 2009 – the Water Licence Renewal Application sent out for review with a comment deadline of September 30, 2009;
- July 20, 2009 – draft Work Plan and preliminary screening exemption question sent out to reviewers; and
- August 7, 2009 – comment deadline on the draft Work Plan and preliminary screening exemption matter.

3. Discussion

To be exempt from a preliminary screening, a renewal application must meet the requirements outlined in Paragraph 2 of Part 1, Schedule 1 of the Exemption List Regulations annexed to subsection 143(1) of the *Mackenzie Valley Resource Management Act* (MVRMA) which states:

A development, or part thereof, for which renewal of a permit, licence or authorization is requested that:

- a) has not been modified; and

- b) has fulfilled the requirements of the environmental assessment process established by the *Mackenzie Valley Resource Management Act*, the *Canadian Environmental Assessment Act* or the Environmental Assessment Review Process Guidelines Order.

The scope of the current WL N1L3-0032 states:

“This License entitles the city of Yellowknife to use water and dispose of waste for municipal purposes at the City of Yellowknife, Northwest Territories, located at: 62°28' N. 114°26' W.”

There are some aspects of the current WL that the City of Yellowknife requested to have changed (see section 1.5 Proposed License Amendments, Water Licence Renewal Application, Supplementary Report). However, none of these introduce new activities or alter what is allowed under the scope of the current WL. The project, then, has not been modified.

As well, during the last renewal of this WL in 2001, a preliminary screening was conducted (see attached). Therefore, the requirements of the environmental assessment process established by the MVRMA have been fulfilled.

Reviewers who responded to the exemption question (Indian and Northern Affairs Canada and GNWT - Environment and Natural Resources) considered it to be the sole discretion of the Board to interpret the MVRMA. They did not provide further comment (see Comment Summary Table).

4. Comments

n/a

5. Review Comments

See attached Comment Summary Table.

6. Security

n/a

7. Conclusion

Pursuant to paragraph 2 of Part 1, Schedule 1 of the Exemption List Regulations annexed to subsection 143(1) of the MVRMA:

- a) the development has not been modified; and
- b) the development has fulfilled the requirements of the environmental assessment process established by the MVRMA.

8. Recommendation

The staff recommend that this renewal application submitted by the City of Yellowknife be exempt from preliminary screening.

9. Attachments

- WL Renewal Application Form (pages 3-8 of *Supplementary Report*)
- Comment Summary Table
- N1L3-0032 Preliminary Screening
- Draft Exemption Letter

Respectfully submitted,

A handwritten signature in black ink that reads "Lynn Carter". The signature is written in a cursive style with a large initial "L".

Lynn Carter
Regulatory Officer

Reviewer Comments – City of Yellowknife – MV2009L3-0007 – Preliminary Screening Exemption

Reviewer	Comment	Mitigation
GNWT-Environment and Natural Resources, Patrick Clancy, Environmental Assessment Analyst	<p>Comments taken from letter dated August 7, 2009:</p> <p>It is ENR's position that decisions pertaining to the determination of the requirement for preliminary screening rest with the Land and Water Board.</p>	
INAC – Water Resources Division, Robert Jenkins, AV Manager	<p>Comments taken from letter dated August 11, 2009:</p> <p>Within your letter, the Board also requested input from external parties regarding whether this application could be exempt from preliminary screening under the <i>Mackenzie Valley Resource Management Act</i>. Part 5 Section 124 of the <i>Mackenzie Valley Resource Management Act</i> as well as the <i>Exemption List Regulations</i> under the Act, clearly identify situations where an application for a water licence may be exempt from preliminary screening. The Board must now decide whether or not the application from the City of Yellowknife warrants such an exemption. INAC looks forward to the Board's decision and reasons for decision on this matter.</p>	