



**Mackenzie Valley Land and Water Board**  
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**YELLOWKNIFE NT X1A 2P6**  
**Phone (867) 669-0506**  
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**Staff Report**

<b>Applicant:</b> NorthwesTel Inc.	
<b>Location:</b> Paterson Lake, Brown Lake, Mackay Lake, and Courageous Lake	<b>File Number:</b> MV2013L0015
<b>Date Prepared:</b> November 14, 2018	<b>Date of Board Meeting:</b> November 22, 2018
<b>Subject:</b> Extension to Type A Land Use Permit	

**1. Purpose**

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) a Request to extend the term of Land Use Permit (Permit) MV2013L0015 for an additional two-years submitted by NorthwesTel Inc. (NWTel).

**2. Background**

- October 10, 2013 – Issuance of Permit MV2013L0015 for a period of five years;
- August 28, 2018 – NWTel submits Request; Board staff requests submission of an engagement log/summary;
- October 9, 2018 – NWTel submits engagement log/summary; expiry of Permit MV2013L0015;
- October 10, 2018 – Review commenced within the Akaitcho region;
- October 30, 2018 – Review commenced within the Wek’èezhii Management Area due to transboundary nature of the project’s activities;
- November 13, 2018 – Reviewer comments and recommendations due and received;
- November 14, 2018 – Responses due; and
- **November 22, 2018 – Extension Request presented to the Board for decision.**

**3. Discussion**

Project History

The original application for Permit MV2006L0015 was submitted in June 2006, for four microwave repeater stations (communication towers) and associated fuel storage at: Paterson, Brown, Mackay and Courageous Lakes. On August 11, 2006, the Board made a determination that Permit MV2006L0015 was transboundary, as one of the four towers was within the jurisdiction of the Wek’èezhii Land and Water Board and issued Permit MV2006L0015. On July 23, 2013, NWTel applied for a subsequent permit to continue these activities, which was issued on October 10, 2013, with a term of five years, expiring October 9, 2018.

### Description of Extension Request

On August 28, 2018, NWTel requested a two-year extension to the term of Permit MV2013L0015 to allow for the continuation of on-going activities at the site (attached). No changes to the scope of activities currently authorized in the Permit MV2013L0015 were proposed.

### Engagement

NWTel initially contacted the Yellowknives Dene First Nation (including representatives from N'dilo, and Dettah), the Tlicho Government, Northwest Territory Metis Nation, North Slave Metis Alliance, Dene Nation, and the Akaitcho Screening Board on August 7, 2018 by email letters (attached). On September 28, 2018, NWTel sent out a follow-up email to the same distribution list asking if there were any questions or concerns regarding the initial email letter (attached). In response, the Tlicho Government stated that they had no questions or concerns (attached).

On October 9, 2018, NWTel submitted to the Board their engagement log which indicated that either they received no responses from the various groups contacted, that there were no questions or concerns, or indicated there was a change to the contact name (but the email was received by another individual) (attached).

### **4. Comments**

As per subsection 26(6) of the Mackenzie Valley Land Use Regulations (MVLUR), an extension can only be granted if the request is received prior to the expiry date. As the Request was received prior to the expiry of the Permit, NWTel's Request is compliant with the MVLUR, and can be considered by the Board.

### **5. Public Review**

On October 10, 2018, the Request was sent to the Akaitcho distribution list for public review. On October 30, 2018, Board staff sent the Request to the Wek'èezhii distribution list due to the transboundary nature of the file.

By November 13, 2018, comments and recommendations on the Extension Request were received from four reviewers:

- Government of the Northwest Territories – Department of Lands (GNWT-Lands);
- GNWT – Environment and Natural Resources;
- GNWT – Department of Education, Culture, and Employment; and
- Environment and Climate Change Canada.

There were no concerns identified during the review of the Extension Request. As such, NWTel did not provide a response, as none was required. The Review Summary and Attachments (attached) presents the comments identified through this review.

### **6. Security**

As per condition 16 of Permit MV2013L0015, a security in the amount of \$40,000.00 was required prior to commencement of the land-use operation. On October 17, 2013, Aboriginal Affairs and Northern Development Canada (AANDC) confirmed the transfer of security in the amount of \$40,000.00 from Permit MV2006L0015 to Permit MV2013L0015 (attached).

## 7. Conclusion

Board staff conclude there are no outstanding issues or concerns with this Extension Request.

The draft cover page has been revised to reflect the Request, but no changes are proposed to the draft conditions, other than and update to the footer ("Current to" date reflecting this Request) (attached).

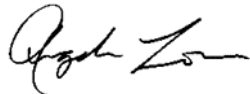
## 8. Recommendation

Board staff recommend the Board **make a motion to extend the term of Land Use Permit MV2013L0015** for an additional two-years as requested by NorthwesTel Inc.

## 9. Attachments

- [Extension Request](#)
  - Engagement Letter
    - [Yellowknives Dene First Nation \(Ndilo\)](#)
    - [Yellowknives Dene First Nation \(Dettah\)](#)
    - [Yellowknives Dene First Nation](#)
    - [Tlicho Government](#)
    - [Northwest Territory Metis Nation](#)
    - [North Slave Metis Alliance](#)
    - [Dene Nation](#)
    - [Akaitcho Screening Board](#)
- [NWTel Follow Up Emails to Distribution List](#)
- [Tlicho Government Response](#)
- [Engagement Log](#)
- Review Comment Table and Attachments
- [AANDC Confirmation of Receipt of Security Deposit](#)
- Draft Land Use Permit Cover Page
- Draft Land Use Permit Conditions
- Draft Decision Letter from the Board

Respectfully submitted,



Angela Love  
Regulatory Specialist

## Review Comment Table

<b>Board:</b>	MVLWB
<b>Review Item:</b>	NorthwesTel - Extension Request - Land Use Permit (MV2013L0015)
<b>File(s):</b>	<a href="#">MV2013L0015</a>
<b>Proponent:</b>	NorthwestTel
<b>Document(s):</b>	<a href="#">Extension Request</a> (978.6 kB) <a href="#">Engagement Log</a> (292 kB)
<b>Item For Review Distributed On:</b>	Oct 10 at 16:50 <a href="#">Distribution List</a> Oct 30 at 09:02 <a href="#">Distribution List</a>
<b>Reviewer Comments Due By:</b>	Nov 13, 2018
<b>Proponent Responses Due By:</b>	Nov 16, 2018
<b>Item Description:</b>	<p><b>October 30</b> - It has been brought to the attention of Board staff that Land Use Permit MV2013L0015 is a Transboundary file with Wek'èezhii. As such, Board staff have redistributed this review and have moved the comment deadline from October 30 to November 13 with the responses now due November 16.</p> <p><b>October 10</b> - NorthwesTel (NWTel) has submitted a request to extend Land Use Permit (Permit) MV2013L0015 for a term of two years. NWTel is requesting to continue operating the communications at four sites as outlined in their existing Permit. NWTel has also included an engagement log with the extension request.</p> <p>Reviewers are invited to submit comments and recommendations using the Online Review System (ORS) by the review comment deadline specified below. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the proponent prior to submitting comments and recommendations.</p> <p>Reviewers may also wish to consider providing an indication of whether they are in support of the submission to provide context for comments and recommendations and to assist the Board with its decision.</p> <p>Please provide comments and recommendations on the:</p> <ul style="list-style-type: none"> <li>• Extension Request; and</li> <li>• Engagement Log.</li> </ul> <p>All documents that have been uploaded to this review are also available on our public registry. If you have any questions or comments about the ORS or this review, please contact Board staff identified below.</p>
<b>General Reviewer Information:</b>	<p>In addition to the email distribution list, the following organizations received review materials by fax:</p> <p>NWT Metis Nation - Tim Heron, NWTMN IMA Coordinator (867) 872-3586; rcc.nwtmn@northwestel.net</p>
<b>Contact Information:</b>	<p>Angela Love 867-766-7456 Jen Potten 867-766-7468</p>

## Comment Summary

Environment and Climate Change Canada: Russell Wykes				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
6	ECCC	<p><b>Comment</b> ECCC has reviewed this file and we have no comments at this time.</p> <p><b>Recommendation</b> N/a</p>		Noted.
GNWT - ECE: Naomi Smethurst				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	Archaeological Sites	<p><b>Comment</b> The Culture and Heritage Division of the Department of Education, Culture, and Employment, GNWT has reviewed NWTel's Land Use Permit MV2013L00015 extension request. As noted in 2013, there is one recorded archaeological site within close proximity to the Courageous Lake Repeater Station. Glen MacKay discussed avoidance of this site with NWTel at this time. The archaeological site, LbNu-1, is within 80 m of the Repeater Station.</p> <p><b>Recommendation</b> Please ensure that this site continues to be avoided by a minimum distance of 30 m, as per condition 13 of the current LUP. Please access the NWT Archaeological Sites Database to obtain the location of archaeological sites (see forms at: <a href="https://www.pwnhc.ca/docs/PPP-PSC-ASDB-BDSA-2017-03.pdf">https://www.pwnhc.ca/docs/PPP-PSC-ASDB-BDSA-2017-03.pdf</a>) if you require further information. We otherwise have no concerns with the Extension Request.</p>		Noted. Condition 13 has not changed and still limits the permittee from operating a vehicle or equipment within 30m from known or suspected historical or archaeological sites or burial grounds.
GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	General File	<p><b>Comment</b> (<a href="#">doc</a>) ENR Letter - No Comments or Recommendations at this time.</p> <p><b>Recommendation</b></p>		Noted.
GNWT - Lands - North Slave Region: Clint Ambrose				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	Extension Request	<p><b>Comment</b> The request has been reviewed.</p> <p><b>Recommendation</b> The Inspector supports a two year extension being granted to the land use permit.</p>		Noted.



November 9, 2018

Jen Potten  
Regulatory Officer  
Mackenzie Valley Land and Water Board  
7<sup>th</sup> Floor – 4910 50<sup>th</sup> Avenue  
P.O. Box 2130  
Yellowknife, NT  
X1A 2P6

Dear Ms. Potten,

**Re: Northwestel  
Land Use Permit Extension Request – MV2013L0015  
Repeater Station - Communication Site  
Request for Comment**

The Department of Environment and Natural Resources has reviewed the application at reference based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act*, the *Species at Risk (NWT) Act*, the *Waters Act* and the *Wildlife Act* and has no comments or recommendations for the consideration of the Board at this time.

Should you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at (867) 767-9233 Ext: 53096 or email [patrick.clancy@gov.nt.ca](mailto:patrick.clancy@gov.nt.ca).

Sincerely,

Patrick Clancy  
Environmental Regulatory Analyst  
Environmental Impact Assessment Section  
Conservation, Assessment and Monitoring Division  
Department of Environment and Natural Resources  
Government of the Northwest Territories