



Mackenzie Valley Land and Water Board
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Staff Report

Applicant: NorthwesTel Inc.	
Location: Paterson Lake Site 62°53'40.9" N, 113°01'31 .3" W Brown Lake Site 63°25'57.7" N, 112°37'45.7" W Mackay Lake Site 63°47'28.5" N, 111° 52'24.8" W Courageous Lake Site 64°14'35.1" N, 110°56'48.1" W	Application: MV2013L0015
Date Prepared: September 30, 2013	Meeting Date: October 10, 2013
Subject: New Type A Land Use Permit – Communication Sites	

1. Purpose/Report Summary

The purpose of this report is to present an application by NorthwesTel Inc. (NWTel) for a Type A Land Use Permit (LUP) MV2013L0015 for the continued use, operation, maintenance and fuel storage at four Microwave Repeater Stations at Paterson, Brown, Mackay and Courageous Lake.

Also, staff are seeking confirmation that the project is exempt from Preliminary Screening.

2. Background

- July 23, 2013 – application submitted;
- August 1, 2013 – application deemed complete and sent to reviewers using the Online Review System;
- August 10, 2013 – expiry date of existing LUP – MV2006L0015
- September 23, 2013 – comments due from reviewers;
- September 27, 2013 – responses due from the proponent;
- October 10, 2013 – presented to the Board; and
- October 14, 2013 – 42-day time line.

3. Discussion

The original application was submitted in June 2006. On August 11, 2006, the Board made a determination that this application was transboundary, as one of the four towers was within the jurisdiction of the Wekeezhii Land and Water Board, and issued the Type A LUP MV2006L0015 to NWTel for the communication and fuel storage at Paterson, Brown, Mackay and Courageous Lakes.

In 2006, NWTel proposed to have up to three fuel storage tanks at each site. Two of the fuel tanks were required; the third tank was proposed as a possibility. In the 2013 application, NWTel only proposed to have the two fuel storage tanks which currently exist on site (the third tank was never required).

To be exempt from a preliminary screening, an application must meet the requirements outlined in Paragraph 2.0 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 request 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 and location of the project proposed are the same as what was subject to the preliminary screening completed in 2006.

4. Comments

NWTel has a lease from Aboriginal Affairs and Northern Development Canada (AANDC). The trigger for the LUP is the large amount of fuel that is stored at site, as well as any maintenance that may be needed at the site.

5. Review Comments

On August 1, 2013 the application was sent to agencies within the Akaitcho Region as well at the organizations within the Wekeezhii Management Area.

Comments were received from the Department of Fisheries and Oceans (DFO), GNWT-Environment and Natural Resources (GNWT-ENR), and AANDC.

DFO has determined that there is no risk to fish habitat with the proposal for development. GNWT-ENR stated that they had no comments or recommendations. AANDC recommended conditions for the LUP.

Further detail on each of the comments is attached in the Online Review System Comment Table.

6. Security

In 2006 Board staff completed the security estimate using the security template and the amount of security that was calculated was \$77,799.00. This estimate accounted for all three fuel storage tanks that were proposed for each site. The Board set the security at \$40,000.00.

Staff have completed the security estimate using the same security sheet that was used in 2006. The amount of security calculated is \$32,286.94. The main difference is that this 2013 calculation only includes two tanks, and the site multiplier has changed as the site is now disturbed.

7. Conclusion

The draft LUP conditions are based upon the Working Group 4 list of standard conditions, reviewer comments, MVLWB staff recommendations, and consistency with existing conditions in the Type A LUP MV2006L0015. Board staff concludes that the conditions contained within this draft LUP should mitigate the potential environmental impacts this development may have on the land.

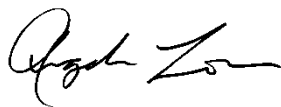
8. Recommendation

Board Staff recommends that the Board confirm that this application is exempt from preliminary screening, and approve the LUP with the proposed terms and conditions to NWTel.

9. Attachments

- [Application](#)
 - [Consultation on new application](#)
 - [Follow up Engagement](#)
- Online Review System Comment Summary Table
 - [AANDC Lands](#)
 - [AANDC Inspector](#)
 - [ENR](#)
- Security Estimate
- Draft Preliminary Screening exemption letter
- Draft Land Use Permit Cover Page and Conditions
- Draft Reasons for Decision
- Draft Issuance Letter

Respectfully submitted,



Angela Love
Regulatory Officer

Review Comment Table

Board:	MVLWB			
Review Item:	MV2013L0015 - NorthwesTel - New LUP Application			
File(s):	MV2013L0015			
Proponent:	NorthwestTel			
Document(s):	MV2013-NorthwesTel-Consultation on New LUP Application (1mb) MV2013L0015-NorthwesTel-New LUP Application (20MB) MV2013L0015-NorthwesTel-Draft LUP Terms and Conditions New LUP Application (172KB) MV2013L0015-NorthwesTel-follow up with engagement New LUP Application (141KB)			
Item For Review Distributed On:	Sep 3 at 11:14 Distribution List			
Reviewer Comments Due By:	Sep 23, 2013			
Proponent Responses Due By:	Sep 27, 2013			
Item Description:	Organization	Contact Name	Contact Position/Title	Email/Fax
	Fort Resolution Métis Council	Trudy King		(867)394-3322; Fieldworker.frmc53@northwestel.net ; (867)874-4472;
	Hay River Metis Council	Wally Shuman	President	hrc@northwestel.net ; (867)872-2772;
	NWT Metis Nation	Tim Heron	NWTMN IMA Coordinator	rcc.nwtmn@northwestel.net ; (867)872-5154;
	Smith Landing First Nation	Andrew Wanderingspirit	Chief	chief@slfn196.com ;
General Reviewer Information:	Please see attached LUP application for NorthwesTel. Comments are due September 23rd, 2013. If you have any questions, please contact Tyree Mullaney at tyree@mvlwb.com .			
Contact Information:	Tyree Mullaney 867-766-7464			

Comment Summary

AANDC: Charlene Coe				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	AANDC letter	Comment (doc) No concerns Recommendation Permit be granted, taking into consideration recommended land use operating conditions recommended by Inspector.	n/a – no comments to respond to (added by Board Staff)	Noted
AANDC: Clint Ambrose				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	Draft LUP Conditions	Comment (doc) Comments on the draft land use permit	No response received from Proponent	Board have made changes to the conditions as based

		conditions have been added to the attached document. Recommendation Please incorporate the Inspector's recommended changes to the operating conditions that will be annexed to the land use permit.		on the comments received from the Inspector.
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Fisheries and Oceans Canada: Triage Group Fisheries Protection Program

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	Fisheries and Oceans Canada Comments	Comment Fisheries and Oceans Canada has reviewed the proposal for potential impacts to fish and fish habitat under the habitat protection provisions of the Fisheries Act and has determined there is no risk to fish habitat. Recommendation No concerns.	n/a – no comments to respond to (added by Board Staff)	Noted

GNWT - Environment and Natural Resources: Central Email GNWT

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	General File	Comment (doc) ENR No Comments or Recommendations Recommendation	n/a – no comments to respond to (added by Board Staff)	Noted

Land Use Permit Security Worksheet

Application Number: MV2013L0015

Input
Amount Multiplier

Camp (C1)			
Temporary Structures			
Input number of tent frames or weatherhaven (3.5m x 4.2m)	0	\$200.00	\$0.00
Input number of trailers (3.5m x 15.2m)	0	\$300.00	\$0.00
Input total square metres of other temporary structures (i.e. core shacks)	148.8	\$2.50	\$372.00
Fixed Structures			
Input total square metres of fixed structures	0	\$25.00	\$0.00
Solid Waste			
For non-burnable material, input # of person days per season	0	\$1.00	\$0.00
For burnable material, input # of person days per season	0	\$0.50	\$0.00
Total C1			\$372.00

Regulated / Hazardous Materials (R1)			
Based upon on site volume			
Explosives; up to 500 kg (~pallet) dry explosives input 1, if none, input 0	0	\$500.00	\$0.00
Additional Explosives; input total kg >500	0	\$0.50	\$0.00
Drilling Muds (oil based); enter number of 63 m ³ (or equivalent) containers	0	\$1,000.00	\$0.00
Used Oil, Lubes and Antifreeze: enter number of pieces of heavy equipment	0	\$500.00	\$0.00
Other;			

Total R1			\$0.00

Hydrocarbon Storage and Transfer (H1)			
Based upon on site volume			
Gasoline and Diesel			
Enter total volume of gasoline&diesel <25,000 L	25000	\$0.50	\$12,500.00
Enter total volume of gasoline&fuel > 25,000 L	83800	\$0.25	\$20,950.00
Total Gasoline and Diesel			\$33,450.00
When fuel is within bermed site or has other safety feature, enter 1, otherwise enter 0	1	25%	-\$8,362.50
Aviation Fuel			
Enter total volume of aviation fuel < 25,000 L	0	\$0.50	\$0.00
Enter total volume of aviation fuel > 25,000 L	0	\$0.25	\$0.00
Total Aviation Fuel			\$0.00
When fuel is within bermed site or has other safety feature, enter 1, otherwise enter 0	0	25%	\$0.00
Total H1			\$25,087.50

Land Disturbance (L1)			
Disturbed Surface Area			
<i>(Developed surface area that may require restoration through the use of scarification, reseeding, fertilizing or other similar techniques)</i>			
Enter number of hectares disturbed	3.24	\$1,000.00	\$3,240.00
Other Land Disturbances			
Creek Crossings; enter number of creek crossings	0	\$500.00	\$0.00
Off-Road Activities; if any activities are likely, enter 1	0	\$500.00	\$0.00
Sump Factor; enter total area occupied by sumps in m ²	0	\$10.00	\$0.00
Well Factor; enter number of wells.	0	\$25,000.00	\$0.00
Total L1			\$3,240.00

Land Use Permit Security Worksheet (continued)

Application Number: MV2013L0015

**Input
Amount Multiplier**

Equipment (E1)			
Based upon type of equipment			
Enter number of pieces of heavy equipment (i.e. dozer, forklift, large gensets)	0	\$1,000.00	\$0.00
Enter number of drills	0	\$1,000.00	\$0.00
Enter number of light vehicles (trucks, atvs, snowmobiles, boats)	0	\$250.00	\$0.00
Enter number of small generators or pumps	0	\$100.00	\$0.00
Enter number of empty fuel storage tanks	0	\$500.00	\$0.00
Total E1			\$0.00

Security Calculation			
Preliminary Calculation			
Enter amount from C1			\$372.00
Enter amount from R1			\$0.00
Enter amount from H1			\$25,087.50
Enter amount from L1			\$3,240.00
Enter amount from E1			\$0.00
Preliminary Calculation, total of above	A		\$28,699.50
Multipliers			
Site Access Multiplier. If the project has all weather road access enter 1, if ice road access enter 1.5, if air access enter 2	B	1.5	
Performance Multiplier. If applicant has successfully completed the terms of a LUP enter 0.85, otherwise enter 1	C	1	
Environmental Risk Factor. If location has high environmental value or unusual environmental risk enter 2. If location is previously disturbed enter 0.75. Otherwise enter 1.	D	0.75	
Calculated Security			
Multiply preliminary calculation (A) by performance multipliers (B, C and D)	E		\$32,286.94
Existing Securities			
List existing associated permits and amount of overlapping security			
Permit: _____			
Permit: _____			
Permit: _____			
Permit: _____			
Overlapping Securities, total of above	F		\$0.00
Final Security Determination			
Subtract overlapping securities (F) from calculated security (E)			\$32,286.94

Comments