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## Staff Report

<b>Applicant:</b> Rowe's Construction	
<b>Location:</b> NWT Highway #5 km 44.5	<b>File Number:</b> MV2014Q0025
<b>Date Prepared:</b> January 30, 2020	<b>Date of Board Meeting:</b> February 13, 2020
<b>Subject:</b> Extension Request	

### 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) MV2014Q0025 for an additional two-years submitted by Rowe's Construction (Rowe's);

### 2. Background

- January 8, 2015 – Issuance of Permit (MV2014Q0025);
- December 11, 2019 – Request received;
- December 12, 2019 – Additional information requested;
- January 7, 2020 – Permit (MV2014Q0025) expired;
- January 8, 2020 – Additional information submitted
- January 15, 2020 – Request deemed complete and review commenced;
- January 30, 2020 – Reviewer comments and recommendations due and received; and
- **February 13, 2020 – Request presented to the Board for decision.**

### 3. Discussion

#### Project History

On January 8, 2015, Rowes Construction was issued a Permit to conduct a small quarry operation located on Highway #5 at kilometre 44.5.

#### Description of Request

On December 11, 2019, Rowes submitted a request to extend their Permit for an additional two years, in the letter submitted to the Board, Rowes indicated that they had not completed engagement at that time. Rowes indicated that the affected parties were given till January 7, 2020 to provide comments and recommendations to Rowes. That engagement has since been completed.

As noted above, Permit MV2014Q0025 expired on January 7, 2020. However, there are provisions in the legislation that allow the Board to issue, if they so choose, an extension to a Permit as long as the request was made prior to the expiry date.

No new works are proposed by Rowes.

### Management Plans

A Waste Management Plan and Spill Contingency Plan were included with the Application. Board staff suggest that these Plans meet applicable guidelines and sufficiently reflect the scope of the proposed activities.

### Engagement

An Engagement Record was included in the Extension Request. Rowes noted they engaged with the following parties:

- Dene Nation
- Dene Tha' First Nation
- Ka'agee Tu First Nation
- Katlodeeche First Nation
- West Point First Nation
- Dehcho First Nation
- Northwest Territory Metis Nation
- Hay River Metis Council
- Fort Resolution Metis Council
- Town of Hay River
- Hamlet of Enterprise

No concerns were raised by the parties engaged.

### Eligibility

Rowes holds a Quarry Permit issued by the Government of the Northwest Territories – Department of Lands, and is therefore eligible for a permit as per [select one of: subsection 18(a)(i) of the Mackenzie Valley Land Use Regulations:

*18) A person is eligible for a permit who*

*(a) Where the proposed land-use operation is in the exercise of a right to search for, win or exploit minerals or natural resources,*

*(i) holds the right*

### Type of Area

This Project is located in a non-federal area.

## **4. Comments**

n/a

## 5. Public Review

By January 30, 2020, comments and recommendations on the Request were received from two reviewers:

- Government of the Northwest Territories – Environment and Natural Resources; and
- Government of the Northwest Territories – Inspector.

There were no concerns identified during the review of this Request. Rows did not provide a response, as none was required.

### Draft Permit

The conditions of the Permit have not changed.

## 6. Security

The Board did not set security when issuing the permit in 2014.

## 7. Conclusion

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

## 8. Recommendation

Board staff recommend the Board **make a motion to approve the extension to term of Land Use Permit MV2014Q0025** for an additional two-years.

A draft decision letter is attached.

## 9. Attachments

- [Extension Request](#)
- [Extension Request – Engagement Log](#)
- Review Summary and Attachments
- Draft Land Use Permit Cover Page
- Draft Land Use Permit Conditions
- Draft Decision Letter from the Board

Respectfully submitted,



Tyree Mullaney  
Regulatory Specialist

### Review Comment Table

<b>Board:</b>	MVLWB
<b>Review Item:</b>	Rowes Construction - Extension Request - MV2014Q0025
<b>File(s):</b>	<a href="#">MV2014Q0025</a>
<b>Proponent:</b>	Rowe's Construction
<b>Document(s):</b>	<a href="#">Extension Request</a> (256 KB) <a href="#">Extension Request - Engagement Log</a> (256 KB)
<b>Item For Review Distributed On:</b>	Jan 15 at 10:49 <a href="#">Distribution List</a>
<b>Reviewer Comments Due By:</b>	Jan 30, 2020
<b>Proponent Responses Due By:</b>	Feb 3, 2020
<b>Item Description:</b>	<p>Rowes Construction (Rowes) has submitted a request to extend Land Use Permit (Permit) MV2014Q0025 for a term of two years. Rowes is requesting to continue operating under their existing. No new activities have been requested.</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 Permittee prior to submitting comments and recommendations.</p> <p>Please provide comments and recommendations on the documents linked below. Reviewers may also wish to consider providing an overarching recommendation regarding 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>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> <p>Tyree Mullaney tyree@mvlwb.com 867-766-7464</p>
<b>General Reviewer Information:</b>	<p>This review has also been distributed by fax to the following organization:</p> <p>NWT Metis Nation - Tim Heron NWTMN IMA Coordinator (867)872-3586</p>
<b>Contact Information:</b>	<p>Jen Potten 867-766-7468 Tyree Mullaney 867-766-7464</p>

### Comment Summary

**GNWT - ENR - EAM (Environmental Assessment and Monitoring): 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 Comment or Recommendations at this time.</p> <p><b>Recommendation</b></p>	-	

**GNWT - Lands - Hay River Region: Jayda Robillard**

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	2 year extension request	<p><b>Comment</b> The Inspector has reviewed the request for a 2 year extension to LUP MV2014Q025.</p> <p><b>Recommendation</b> The Inspector recommends the 2 year extension to LUP MV2014Q0025 be granted as applied. Existing LUP conditions are sufficient to address any environmental concerns with the operation.</p>		



January 28, 2020

Tyree Mullaney  
Regulatory Specialist  
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. Mullaney,

**Re: Rowe's Construction  
Land Use Permit Extension Request – MV2014Q0025  
Quarry and Associated Activities  
Request for Comment**

The Department of Environment and Natural Resources has reviewed the request 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 Assessment and Monitoring Section  
Environmental Stewardship and Climate Change Division  
Department of Environment and Natural Resources  
Government of the Northwest Territories