



Mackenzie Valley Land and Water Board
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Staff Report

Applicant: Government of the Northwest Territories – Department of Infrastructure	
Location: NWT Highway #1, km 0 -278	Application: MV2017X0019
Date Prepared: May 2, 2017	Meeting Date: May 15, 2017
Subject: Type A Land Use Permit – Amendment Application	

1. Purpose/Report Summary

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board):

- a) a Land Use Permit (Permit) Amendment Application submitted by the Government of the Northwest Territories – Department of Infrastructure (GNWT-INF); and
- b) Consider the preliminary screening.

2. Background

- May 15, 2017 – Permit issued;
- August 2, 2018 – Amendment Application submitted;
- August 10, 2018 – Amendment Application deemed complete and review commenced;
- August 29, 2018 – Reviewer comments and recommendations due and received;
- September 5, 2018 – Responses due (none submitted);
- **September 20, 2018 – Application presented to the Board for decision; and end of the 42-day timeline;** and
- May 14, 2022 – Permit expiration.

3. Discussion

Permit MV2017X0019

On May 15, 2017, the Board issued Permit MV2017X0019 to GNWT-INF for the ongoing operation and maintenance of the existing NWT public highway system, specifically Highway #1, km 0-278. This Permit replaced Permit MV2010X0013, which expired June 9, 2017.

In accordance with Permit condition 1 (Private Property) GNWT-INF: “shall not conduct any part of the land-use operation within 300 metres of any privately owned or leased land or structure, unless otherwise authorized in writing by the Board”.

Amendment Application

On August 2, 2018, the GNWT – INF submitted an amendment application to access land within 300m of the Digaa Enterprises Ltd.'s property leased from the GNWT, located near Fort Providence, NT (attached). GNWT-INF has engaged Digaa Enterprises Ltd. regarding the request (included in the application).

Management Plans

Board staff notes that the Waste Management Plan, Spill Contingency Plan, and Engagement Plan were all approved at issuance (attached). GNWT-INF is of the opinion that no changes were required to be made to the various management plans as a result of the Amendment Application. GNWT-INF included notification of amendment to the affected parties, in accordance with the approved Engagement Plan.

Eligibility

GNWT-INF is eligible as per as per subsection 18(a)(i) of the Mackenzie Valley Land Use Regulations (MVLUR) as they hold rights in the form of quarry permits with the GNWT-Department of Lands.

Fees

No application fee was required as the Applicant is the GNWT. No land use fees were paid because the MVLUR only requires fees for activities on Federal lands.

Term

No changes are proposed to the term of the current Permit.

4. Comments

Preliminary Screening

The new access which is being applied for has not been previously subject to preliminary screening. The initial 2017 Application was exempted from preliminary screening as per the Exemption List Regulations. Board staff have attached a draft preliminary screening for the Boards consideration based on the June 20, 2010 preliminary screening conducted for the issuance of Permit MV2010X0013 (attached).

No water licence is triggered as the amount of water used is below threshold as identified in the regulations.

5. Reviewer Comments

By August 29, 2018, comments and recommendations on the Amendment Application were received from five reviewers:

- Environment and Climate Change Canada;
- Fort Simpson Metis Local 52;
- GNWT – Environment and Natural Resources (Central Email);
- GNWT – Lands (Inspector); and
- GNWT – Lands.

All of the reviewers indicated that they have no comments or concerns with this Amendment Application. GNWT-INF did not respond. The Review Summary and Attachments (attached) present the concerns identified through the review of the Application.

6. Security

In accordance with section 94 of the *Mackenzie Valley Resource Management Act* (MVRMA), the territorial government is not required to post security pursuant to section 71 of the MVRMA.

7. Conclusion

No concerns were raised about this Amendment Application through this review. Board staff are of the opinion the Board can authorize GNWT-INF to operate within 300 metres of Digaa Enterprises Ltd.'s property. No changes were made to the Permit conditions or cover page, other than to update administrative dates.

8. Recommendation

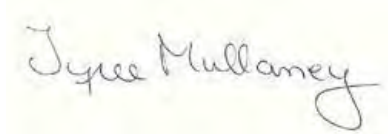
Board staff recommend the Board:

- a) **Make a motion to approve the preliminary screening;** and
- b) **Make a motion to approve the Type A Land Use Permit amendment, and Reasons for Decision;**

9. Attachments

- [Permit MV2017X0019 - Issuance](#)
- [Amendment Application](#)
- [Preliminary Screening – June 11, 2010](#)
- [Preliminary Screening – October 20, 2016](#)
- Review Summary and Attachments
- Draft Preliminary Screening
- Draft Land Use Permit Cover Page
- Draft Land Use Permit Conditions
- Draft Reasons for Decision
- Draft Decision Letter from the Board

Respectfully submitted,



Tyree Mullaney
Regulatory Specialist

Review Comment Table

Board:	MVLWB
Review Item:	GNWT-INF - Land Use Permit Amendment - Location of Activities (MV2017X0019)
File(s):	MV2017X0019
Proponent:	GNWT - INF
Document(s):	Amendment Application (1.2 mb)
Item For Review Distributed On:	Aug 8 at 15:58 Distribution List
Reviewer Comments Due By:	Aug 29, 2018
Proponent Responses Due By:	Sep 5, 2018
Item Description:	<p>Government of the Northwest Territories - Department of Infrastructure (GNWT-INF) has submitted a request to amend Land Use Permit (Permit) MV2017X0019. GNWT-INF is requesting to amend the location of its activities. Reviewers are invited to submit comments and recommendations on the document below 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>Board staff believes this amendment request is exempt from preliminary screening, in accordance with the Preliminary Screening Exemption List Regulations and Exemption List Regulations. If you have comments or recommendations on the possible exemption, please include them in your submission. The most recent preliminary screening that was approved by the Board is located under Document(s) below.</p> <p>Please be advised that comments made by reviewers regarding impacts of this proposed amendment to wildlife and wildlife habitat in this preliminary screening will inform the GNWT Minister of Environment and Natural Resources' determination regarding whether a Wildlife Management and Monitoring Plan will be required for this project as per Section 95 of the Wildlife Act.</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>
General Reviewer Information:	This review item has also been faxed to:

	Fort Simpson Métis Local #52	Marie Lafferty	President	(867)695-2040;
	Northwest Territory Métis Nation	Garry Bailey c/o Tim Heron	NWTMN IMA Coordinator	(867)872-3586; rcc.nwtmn@northwestel.net ;
Contact Information:	Jen Potten 867-766-7468 Tyree Mullaney 867-766-7464			

Comment Summary

Environment and Climate Change Canada: Eva Walker				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Analysis
1	ECCC No Comment	Comment Environment and Climate Change Canada has reviewed the materials provided for permit amendment in accordance with the department's mandate and has no comments at this time. Recommendation N/A		Noted.
Fort Simpson Metis Local 52: Miles Sibbeston				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Analysis
1	fort simpson metis	Comment the fort simpson metis has no comment and is okay with the permit as a go head Recommendation N/A		Noted.
GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Analysis
1	General File	Comment (doc) ENR Letter - No Comments or Recommendations at this time Recommendation		Noted.
GNWT - Lands - Hay River Region: Jayda Robillard				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	Amendment to LUP MV2017X0019	Comment The Inspector has reviewed the amendment request; Existing permit conditions will address any environmental concerns expected from the change in operation. Recommendation The Inspector recommends that the amendment be granted as applied for.		Noted.

GNWT - Lands - North Slave Region: Cheryl Larocque

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Analysis
1	MV2017X0019 - Amendment	Comment (doc) Formal letter attached. Recommendation Recommend amendment be granted		Noted.



August 29, 2018

Tyree Mullaney
Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
P.O. Box 2130
Yellowknife, NT
X1A 2P6

Dear Ms. Mullaney,

**Re: Department of Infrastructure, GNWT
Land Use Permit – MV2017X0019
Land Use Permit Amendment Application - Location of Activities
Request for Comments**

The Department of Environment and Natural Resources, Government of the Northwest Territories has reviewed the amendment 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.

Sincerely,

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



August 29, 2018

Tyree Mullaney
Mackenzie Valley Land and Water Board
7th Floor, 4922- 48th Street
P.O. Box 2130
YELLOWKNIFE, NT X1A 2P6

Dear Ms. Mullaney:

Land Use Permit No. MV2017X0019 – GNWT – INF – Amendment

The Government of the Northwest Territories (GNWT) reviewed the request for amendment dated July 16, 2018 and recommends that the amendment be granted.

On August 28, 2018, our Inspector, Jayda Robillard, provided her comments and recommendations for your consideration.

Comments received from Territorial Lands Administration and the Mining Recorder's Office indicates no concerns.

Thank you for the opportunity to comment on this amendment. Should you have any questions or concerns, please contact our Inspector, Jayda Robillard, at (867) 874-6994 ext. 22

Sincerely,

Scott Stewart
Regional Superintendent
North Slave Region

c. South Slave Region (Hay River), Department of Lands, GNWT

cc