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May 1, 2020

File: MV2019L8-0014

Mr. Mark Cliffe-Phillips
Mackenzie Valley Environmental Impact Review Board
200 Scotia Center
Box 938, 5102 - 50th Avenue
Yellowknife NT X1A 2N7

Sent via Email

Dear Mr. Cliffe-Phillips,

**Re: Notice of Preliminary Screening Determination – Application for Water Licence
Miscellaneous – Hay River, NT**

The Mackenzie Valley Land and Water Board (Board) met on April 30, 2020 and considered the Application from the Government of the Northwest Territories – Marine Transportation Services (GNWT-MTS) for Type B Water Licence (Licence) MV2019L8-0014 for miscellaneous operation in Hay River, NT (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board conducted a preliminary screening based on the Application and the public record for the proceeding. Based on the evidence provided, the Board is satisfied the screening has been completed according to section 125 of the MVRMA and has decided **not to refer** the project to environmental assessment. The Preliminary Screening Report includes the Board's reasons for decision, as required by section 121 of the MVRMA (attached).

If the Board does not receive notice of referral to environmental assessment, it will proceed with the issuance of Licences MV2019L8-0014 on Tuesday May 12, 2020

Our Board and staff look forward to continued communications throughout the pause period. If you have any questions or concerns regarding this letter, please contact Shelagh Montgomery at (867) 766-7457 or email smontgomery@mvlwb.com.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Elizabeth Wright".

Elizabeth Wright
MVLWB Acting Chair

Copied to: Dehcho – Distribution List;
Mr. Tom Maher – GNWT - MTS

Attached: Preliminary Screening Report, including Reasons for Decision

Preliminary Screening Report Form

Preliminary screener: MVLWB Reference / File number: MV2019L8-0014 TITLE: Dredging ORGANIZATION: Government of the Northwest Territories – Marine Transportation Services MEETING DATE: April 30, 2020	EIRB Reference number:
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Type of Development:
(CHECK ALL THAT APPLY)

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | New |
| <input type="checkbox"/> | Amend, EIRB Ref. # |
| <input checked="" type="checkbox"/> | Requires permit, licence, or authorization |
| <input type="checkbox"/> | Does not require permit, licence, or authorization |

Project Summary:

Dredging sediment at the Syncro Lift, Container dock and Terminal C berths in the town of Hay River. To maintain adequate riverside barge access. The material acquired riverside barge access. The material acquired will be deposits in a stockpile on Commissioners Land.

Scope:

This Licence entitles the Licensee to use Water and dispose of Waste for miscellaneous activities at the designated ports in Hay River, Northwest Territories:

- a) Sediment removal; and
- b) Deposit of Waste.

Land Use Eligibility - Section 18 Mackenzie Valley Land Use Regulations:
18(b)

Type of Disposition	Disposition Number(s)
<input type="checkbox"/> Mineral Claims	
<input type="checkbox"/> Prospecting Permit (s)	
<input type="checkbox"/> Mineral Leases	
<input type="checkbox"/> Oil and Gas: EL/SDL/PL	
<input type="checkbox"/> Quarry Permit	
<input type="checkbox"/> Timber Permit	
<input checked="" type="checkbox"/> Other:	N/A

Principal Activities (related to scoping) (CHECK ALL THAT APPLY)

- | | | |
|---|---|---|
| <input type="checkbox"/> Construction
<input type="checkbox"/> Installation
<input checked="" type="checkbox"/> Maintenance
<input type="checkbox"/> Expansion
<input type="checkbox"/> Operation
<input type="checkbox"/> Repair
<input type="checkbox"/> Research
<input type="checkbox"/> Water Intake
<input type="checkbox"/> Other: | <input type="checkbox"/> Exploration
<input checked="" type="checkbox"/> Industrial
<input type="checkbox"/> Recreation
<input type="checkbox"/> Municipal
<input type="checkbox"/> Quarry
<input type="checkbox"/> Linear / Corridor
<input type="checkbox"/> Sewage | <input type="checkbox"/> Decommissioning
<input type="checkbox"/> Abandonment
<input type="checkbox"/> Aerial
<input type="checkbox"/> Harvesting
<input type="checkbox"/> Camp
<input type="checkbox"/> Scientific/
<input type="checkbox"/> Solid Waste |
|---|---|---|

Principal Development Components (related to scoping) (CHECK ALL THAT APPLY)

- | | |
|--|---|
| <input type="checkbox"/> Access Road
<input type="checkbox"/> construction
<input type="checkbox"/> abandonment/removal
<input type="checkbox"/> modification e.g., widening, straightening | <input checked="" type="checkbox"/> Waste Management
<input type="checkbox"/> disposal of hazardous waste
<input checked="" type="checkbox"/> waste generation
<input type="checkbox"/> sewage |
|--|---|

- Automobile, Aircraft or Vessel Movement
- Blasting
- Building
- Burning
- Burying
- Channelling
- Cut and Fill
- Cutting of Trees or Removal of Vegetation
- Dams and Impoundments
 - construction
 - abandonment/removal
 - modification
- Ditch Construction
- Drainage Alteration
- Drilling other than Geoscientific
- Ecological Surveys
- Excavation
- Explosive Storage
- Fuel Storage
- Topsoil, Overburden or Soil
 - fill
 - disposal
 - removal
 - storage

- disposal of sewage
- Geoscientific Sampling
- Trenching
- Diamond drill
- Borehole core sampling
- Bulk soil sampling
 - gravel
 - hydrological Testing
- Site Restoration
 - fertilization
 - grubbing
 - planting/seeding
 - reforestation
 - scarify
 - spraying
 - re-contouring
 - Slashing and removal of vegetation
 - Soil Testing
 - Stream Crossing/Bridging
 - Tunnelling/Underground
 - Other:

NTS topographic map sheet numbers:

85B13

Latitude / longitude and UTM system:

60 52'N 115 44'W

Nearest community and water body:

Hay River, Hay River and Great Slave Lake

Land Status (consultation information)

- Free Hold/Private
 Commissioner's/Territorial Lands
 Federal Crown Land
 Municipal Land

Transboundary/Transregional Implications

- British Columbia Alberta Saskatchewan Yukon
 Nunavut National Park Inuvialuit Settlement Region
 Wek'èezhii Gwich'in Sahtu

Type of transboundary implication:

- Impact / Effect Development

Public concern: _____
 (Describe.)

Physical - Chemical Effects

Impact

Mitigation

1) Ground Water

- water table alteration
- water quality changes
- infiltration changes
- other:

N/A

Impact

2) Surface Water

flow or level changes

water quality changes

water quantity changes

drainage pattern changes

temperature

wetland changes/loss

other:

N/A

Mitigation

Additional conditions of the Licence include the need to take every reasonable precaution to protect the environment, prevent escape of Waste to the Receiving Environment, use of appropriate mitigation measures, monitoring, and follow-up actions, to ensure that adequate spill prevention infrastructure and spill response equipment is in place, and implementation of erosion control measures.

Impact

3) Noise

noise in/near water

Heavy machinery will introduce noise to the area but operations should be of a short duration and impacts should be minimal. No mitigation proposed.

noise increase

Heavy machinery will introduce noise to the area but operations should be of a short duration and impacts should be minimal. No mitigation proposed.

other:

N/A

Mitigation

Impact

4) Land

geologic structure changes

soil contamination

The risk of a spill with the use of heavy machinery should be mitigated using preventative measures and response outlined in the Spill Contingency Plan

buffer zone loss

soil compaction and settling

Heavy machinery use may contribute to soil compaction and settling but the site is previously disturbed, operations should be of short duration, and impacts should be minimal. No mitigation proposed.

destabilization/erosion

Additional conditions of the Licence include the need to take every reasonable precaution to protect the environment, prevent escape of Waste to the Receiving Environment, use of appropriate mitigation measures, monitoring, and follow-up actions, to ensure that adequate spill prevention infrastructure and spill response equipment is in place, and implementation of erosion control measures.

permafrost regime alteration

explosives/scarring

other:

N/A

Impact

5) Non-renewable natural resources

resource depletion

other:

N/A

Mitigation

Impact

6) Air/climate/atmosphere

other:

N/A

Mitigation

Heavy machinery will introduce localized emissions, but operations should be of a short duration and impacts should be minimal. No mitigation proposed.

BIOLOGICAL ENVIRONMENT

Impact

1) Vegetation

species composition

species introduction

toxin/heavy accumulation

other: Linear Migration routes, habitat fragmentation

N/A

Mitigation

Impact

2) Wildlife and Fish

effects on rare, threatened or endangered species

fish population changes

waterfowl population changes

breeding disturbance

population reduction

species diversity change

health changes

behavioural changes

habitat changes / effects

Mitigation

Release of sediment from dredging activities has the potential to enter the Hay River. Proponent has been directed to include sediment and erosion control and spill response

measures into updated Waste Management and Spill Contingency Plans for Board approval prior to operations. Additional conditions of the Licence include the need to take every reasonable precaution to protect the environment, prevent escape of Waste to the Receiving Environment, use of appropriate mitigation measures, monitoring, and follow-up actions, to ensure that adequate spill prevention infrastructure and spill response equipment is in place, and implementation of erosion control measures.

The Fisheries Act requires that projects avoid causing serious harm to fish unless authorized by the Minister of Fisheries and Oceans Canada (DFO). This applies to work being conducted in or near waterbodies that support fish that are part of, or that support a commercial, recreational or Aboriginal fishery. The Town of Hay River has confirmed that they will complete a Request for Review to DFO prior to excavation.

- game species effects
- toxins/ heavy metals
- forestry changes
- agricultural changes
- other:
- N/A

Interacting Environment

Impact

1) Habitat and Communities

Mitigation

- predator-prey
- wildlife habitat/ecosystem composition changes
- reduction/removal of keystone or endangered species
- removal of wildlife corridor or buffer zone
- other:
- N/A

Impact

2) Social and Economic

Mitigation

- planning/zoning changes or conflicts
- increase in urban facilities or services use
- rental house
- airport operations/capacity changes
- human health hazard
- impair the recreational use of water or aesthetic quality

Activities may temporarily obstruct access and use of the Porritt Landing recreational site, but the purpose of the activities associated with the Licence is to improve usability of the

local dock. No mitigation proposed.

- affect water use for other purposes
- affect other land use operations
- quality of life changes
- public concern
- other:
- N/A

Impact

3) Cultural and Heritage

Mitigation

- effects to historic property
- increased economic pressure on historic properties
- change to or loss of historic resources
- change to or loss of archaeological resources
- increased pressure on archaeological sites
- change to or loss of aesthetically important sites
- effects to aboriginal lifestyle
- other:
- N/A

- Pursuant to Schedule 4.1 of the **Northwest Territory Métis Nation** (NWTMN) Interim Measures Agreement, the MVLWB determined that written notice was given to the NWTMN and that a reasonable period of time was allowed for NWTMN to make representations with respect to the application.
- Pursuant to section 27, paragraphs (a) and (b) of the **Dehcho First Nations** (DCFN) Interim Measures Agreement, the MVLWB has determined that written notice was given to the DCFN, and that a reasonable period of time was allowed for DCFN to make representations with respect to the application.

Preliminary Screener / Referring Body Information

Acho Dene Koe First Nation
Canadian Northern Economic Development Agency - NWT Region
Deh Cho Land Use Planning Committee
Deh Gah Got'ie Dene Council
Dehcho First Nations
Dene Nation
Dene Tha' First Nation
Deninu K'ue First Nation
Digaa Enterprises Ltd.
Environment and Climate Change Canada
Fisheries and Oceans Canada
Fort Providence Metis Council #57
Fort Providence Resource Management Board
Fort Simpson Metis Local 52
Forward Mining
GLWB
GNWT - ENR (Environment and Natural Resources)
GNWT - ENR - Deh Cho
Region
GNWT - ENR - EAM
(Environmental Assessment and Monitoring)
GNWT - ENR - South Slave Region - Fort Smith
GNWT - Executive and Indigenous Affairs
GNWT - HSS (Health and Social Services)
GNWT - INF (Infrastructure)
GNWT - ITI (Industry, Tourism and Investment)
GNWT - Lands
GNWT - Lands - Dehcho Region
GNWT - Lands - Hay River Region
GNWT - Lands - North Slave Region
GNWT - Lands - South Slave Region - Fort Smith
GNWT - MACA (Municipal and Community Affairs)
GNWT - PPCA (Policy,
Planning, Communications and Analysis (w/in ITI))
GNWT - PWNHC (Prince of Wales Northern Heritage Centre (w/in ECE))
Hamlet of Fort Liard
Hamlet of Fort Providence
INAC - CARD
INAC - NWT Inspectors
INAC - Yellowknife
Ka'a'gee Tu First Nation
Katlodeeche First Nation
Liard First Nation (Yukon)
Liidli Kue First Nation (Ft Simpson)
Mackenzie Valley Environmental Impact Review Board
Naha Dehe Dene Band
North Slave Metis Alliance
Northwest Territory Metis Nation
NWT- OROGO
Pehdzeh Ki First Nation (Wrigley)
Ross River Dena Council
Sambaa Ke First Nation (Trout Lake)
Snap Lake Environmental Monitoring Agency (SLEMA)
Tlicho Government
Town of Hay River
Transport Canada
Tthets'ek'ehdeli First Nation (JMR)
Wek' eezhii Renewable Resources Board
West Point First Nation
WLWB
Wood

Reasons For Decision

(List all reasons and supporting rationales for preliminary screening decision)

DECISION

The Mackenzie Valley Land and Water Board (the Board) is satisfied that the preliminary screening of Application MV2019L8-0014, Government of the Northwest Territories - Marine Transportation Services, Dredging, Hay River, NT has been completed in accordance with section 125 of the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board is satisfied that communities and First Nations affected by the Application have been notified and provided adequate time to provide comment on the Application as required by land claim and self government agreements, the MVRMA, policy directions relating to Interim Measures Agreements, and any other applicable legislation and agreements.

Having reviewed all relevant evidence on the Public Registry, including the submissions of the Applicant, the written comments received by the Board and any Staff Reports prepared for the Board, the Board has decided that in its opinion:

- The proposed development will not have a significant adverse impact on the environment; and
- The proposed development is not a cause of public concern.

The Board is also of the opinion that the Application can proceed through the regulatory process and that any impacts of the development on the environment can be mitigated through the imposition of the terms and conditions in the attached Water Licence.

As a result, the Board, having due regard to the facts and circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of the *Waters Act* and Waters Regulations has decided that this Water Licence can be issued subject to the terms and conditions contained therein.

Preliminary Screening Decision	
<input type="checkbox"/>	Outside Local Government Boundaries
<input type="checkbox"/>	The development proposal might have a significant adverse impact on the environment, <i>refer it to the EIRB.</i>
<input type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>
<input type="checkbox"/>	The development proposal might have public concern, <i>refer it to the EIRB.</i>
<input type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>
<input checked="" type="checkbox"/>	Wholly Within Local Government Boundaries
<input type="checkbox"/>	The development proposal is likely to have a significant adverse impact on air, water or renewable resources, <i>refer it to the EIRB.</i>
<input checked="" type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>
<input type="checkbox"/>	The development proposal might have public concern, <i>refer it to the EIRB.</i>
<input checked="" type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>

Preliminary Screening Organization

Mackenzie Valley Land and Water Board

April 30, 2020

Signature



Elizabeth Wright, Acting Chair