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June 28, 2019

File: W2019S0001

JoAnne Deneron  
Mackenzie Valley Environmental Impact Review Board  
200 Scotia Center, Box 938, 5102 - 50th Avenue  
Yellowknife, NT, X1A 2N7

Sent via Email

Dear JoAnne Deneron,

**Re: Notice of Preliminary Screening Determination – Application for Land Use Permit – Geotechnical Drilling at Lot 5 and 6 (Block 16 and Plan 1803) Behchokq, NT**

The Wek'èezhìi Land and Water Board (Board) met on June 28, 2019 and considered the Application from the Government of the Northwest Territories – Environment and Natural Resources (GNWT-ENR), for a Type A Land Use Permit W2019S0001 for Geotechnical Drilling in Behchokq, in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board conducted a preliminary screening based on the Application and the public review. Based on the evidence provided, the Board is satisfied the screening has been completed as per section 125(2) 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.

To fulfill the pause period required by subsection 125 of the MVRMA, the Board understands that any referral to environmental assessment must take place by end of day on July 8, 2019. If the Board doesn't receive notice of referral, it will proceed with the issuance of Permit W2019S0001 on July 9, 2019.

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 Ryan Fequet at (867) 765-4589 or email [rfequet@wlwb.ca](mailto:rfequet@wlwb.ca).

Yours sincerely,

A handwritten signature in blue ink that reads "Joe Mackenzie".

Joe Mackenzie  
Chair, WLWB

Copied to: Ryan Fequet – WLWB Executive Director  
Mark Cliffe-Phillips – MVEIRB Executive Director  
Anneli Jokela – Regulatory Manager  
Glenn Bourke – GNWT-ENR  
Clint Ambrose – Inspector

Attached: Preliminary Screening Report and Reasons for Decision



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PRELIMINARY SCREENING REPORT FORM

<p><b>PRELIMINARY SCREENER:</b> WLWB  <b>REFERENCE / FILE NUMBER:</b> W2019S0001  <b>TITLE:</b> Geotechnical Investigation, Lots 5 and 6 in Behchoko, NT  <b>ORGANIZATION:</b> GNWT-ENR  <b>MEETING DATE:</b> June 28, 2019</p>	<p><b>EIRB REFERENCE NUMBER:</b> _</p>
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**Type of Development:**  
 (CHECK ALL THAT APPLY)

- New
- Amend, EIRB Ref. # \_\_\_\_\_
- Requires permit, license or authorization
- Does not require permit, license or authorization

**Project Summary**

The Government of the Northwest Territories Department of Environment and Natural Resources (GNWT-ENR) submitted an application for a Type A Land Use Permit on May 14, 2019. The purpose of the Project is to conduct a geotechnical investigation in advance of placing two modular building on Lots 5 and 9 within the community boundaries of Behchoko.

Project Activities: Completion of a geotechnical investigation using an Air Tac Drill or similar that can drill a hole 20 meters deep or 2 feet into bedrock. Activities will also involve clearing shrubs and sparse trees on the Lots.

Area: Lots 5 and 6 (Block 16 and Plan #1803) in Behchoko, NT

Timeframe: Work is anticipated to be completed between July and September 2019.

**Scope**

This Permit entitles the GNWT-ENR to conduct the following land-use operation:

- a) Geotechnical drilling investigation within Lots 5 and 6 within the community boundaries of Behchoko.

**Principal Activities (related to scoping)**

(CHECK ALL THAT APPLY)

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

**Principal Development Components (related to scoping)**

- Access Road
- construction
- abandonment/removal
- modification e.g., widening, straightening
- Automobile, Aircraft or Vessel Movement
- Blasting
- Building
- Burning
- Burying
- Channeling
- 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

- Waste Management
- disposal of hazardous waste
- waste generation
- Sewage
- 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
  - recontouring
- Slashing and removal of vegetation
- Soil Testing
- Stream Crossing/Bridging
- Tunneling/Underground
- Other (describe):

**NTS Topographic Map Sheet Numbers**

(LIST ALL THAT APPLY)

Was not provided. See Atlas Scan Map provided with the Application (attached).

**Latitude / Longitude and UTM System:**

Minimum latitude (degree, minute):	Lot 5, Block 16, Plan 1803	62.82668° N
Maximum latitude (degree, minute):	Lot 5, Block 16, Plan 1803	62.82668° N
Minimum longitude (degree, minute):	Lot 5, Block 16, Plan 1803	116.04323° W
Maximum longitude (degree, minute):	Lot 5, Block 16, Plan 1803	116.04296° W

**Nearest Community and Water Body:**

Behchoko, Marian Lake

**Land Status (*consultation information*)**

- Free Hold / Private
- Tliche Lands
- Commissioners/Territorial Land
- Federal Crown Land
- Municipal Land

**Transboundary Implications**

- British Columbia
- Nunavut
- Alberta
- Wood Buffalo National Park
- Saskatchewan
- Inuvialuit Settlement Region
- Yukon

**Type of Transboundary Implication:**

- Impact / Effect
- Development

Public Concern

(DESCRIBE)

**PHYSICAL - CHEMICAL EFFECTS**

**IMPACT****1. Ground Water**

- water table alteration
- water quality changes
- infiltration changes
- other
- N/A

**MITIGATION****IMPACT****2. Surface Water**

- flow or level changes
- water quality changes

**MITIGATION**

Based on the map provided with the Application, there appears to be a chance that drilling may take place within 100 m of the Ordinary High-Water Mark of the nearest water body. The Applicant has indicated that if drilling occurs less than 100 meters away that water will be reused and collected by a man-made ditch or a land-based sump.

Condition #12 has been included in the Land Use Permit to prevent any potential impacts to surface water, which further requires that drill water and Drilling Waste be contained within a closed circuit system if drilling within 100 meters of the Ordinary High-Water Mark.

Standard fuel, fuel handling, and spill contingency conditions have also been included in the Land Use Permit (Conditions #18 to #24).

- water quantity changes
- Drainage pattern changes
- temperature
- wetland changes / loss
- other:
- N/A

**IMPACT****3. Noise**

- noise in/near water
- other: noise increase

**MITIGATION**

During the public review, it was indicated that noise from the air tac drill may be louder than the normal volume that the human ear is used to. Mitigations include the following:

1. Notifying residents at least 7 days in advance of the operations that will be taking place.
2. Drilling will not take place during regular sleep hours (i.e., 8:00pm to 7:00am).

- N/A

**IMPACT****4. Land****MITIGATION**

- geologic structure changes
- soil contamination
- buffer zone loss
- soil compaction & settling
- Destabilization / erosion
- permafrost regime alteration
- other: general soil disturbance
- N/A

The holes will be filled in after soil collection. Drill cuttings will be placed back down the holes.

**IMPACT****5. Non Renewable Natural Resources****MITIGATION**

- resource depletion
- other:
- N/A

**IMPACT****6. Air/Climate/ Atmosphere****MITIGATION**

- Other
- N/A

**BIOLOGICAL ENVIRONMENT****IMPACT****1. Vegetation****MITIGATION**

- species composition
- species introduction
- toxin / heavy accumulation
- other: General Vegetation Disturbance
- N/A

Trees and brush will be cleared within the Lots. This is required in order to place the modular buildings approved by the Community Government of Behchoko; thus, no mitigation is necessary.

**IMPACT****2. Wildlife & Fish****MITIGATION**

- effects on rare, threatened or endangered species
- fish population changes
- waterfowl population changes

- breeding disturbance
- population reduction
- species diversity change
- health changes  
(Identify)
- behavioural changes  
(Identify)
- habitat changes / effects
- 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
- 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 site
- effects to aboriginal lifestyle
- other:
- N/A

**NOTES:**



**PRELIMINARY SCREENER / REFERRING BODY INFORMATION**  
(CHECK ALL THAT APPLY)

	RA or DRA	ADVICE	PERMIT REQUIRED
Environment Canada	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fisheries and Oceans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indian and Northern Affairs Canada	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Canadian Heritage (Parks Canada)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Natural Resources Canada	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Works and Government Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transport Canada	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Northern Oil and Gas Directorate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Canadian Nuclear Safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Industry Canada	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Canadian Transportation Agency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National Defense	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GNWT – ENR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GNWT - MACA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GNWT - Transportation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prince of Wales Heritage Center	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MVEIRB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MVLWB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Deh Cho First Nations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tlicho Government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Behchoko Community Government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gameti Community Government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wekweètì Community Government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Whati Community Government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lutsel K'e Dene First Nation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Akaiicho Prescreening Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rae-Edzo Metis Local #64	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
North Slave Metis Alliance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Northwest Territory Metis Nation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## REASONS FOR DECISION

(LIST ALL REASONS AND SUPPORTING RATIONALES FOR PRELIMINARY SCREENING DECISION)

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### **BACKGROUND:**

The Wek'èezhii Land and Water Board (WLWB) received a LUP Application from the GNWT-ENR on May 14, 2019.<sup>1</sup> The purpose of this Application is to complete a geotechnical investigation in advance of placing two modular buildings on Lots 5 and 6 within the local Tlicho community boundary of Behchokq. The geotechnical investigation is intended to take place between July and September of 2019.

The GNWT-ENR provided two documents along with its Application to the Board: a copy of the lease held for the Lots and a copy of the Development Permit issued for these Lots by the Community Government of Behchokq. The Board believes these documents are sufficient to allow the GNWT-ENR to conduct work on Lots 5 and 6.

### **Land Use Permit Conditions**

A draft Permit for the proposed Project was prepared using the MVLWB's *Standard Land Use Permit Conditions Template*. During the review period, the GNWT-Lands Inspector submitted recommendations on the draft Permit that were subsequently included. These recommendations can be found in the Review Summary and Attachments.<sup>2</sup>

The Board believes the proposed conditions for W2019S0001 minimize the potential environmental impacts resulting from the Geotechnical Investigation project.

### **PRELIMINARY SCREENING DECISION:**

As per the Preliminary Screening Requirement Regulations of the *Mackenzie Valley Resource Management Act* (MVRMA), the Board must conduct a preliminary screening for any application for a proposed development that requires a Land Use Permit if it is not exempt from Part 5 of the MVRMA.<sup>3</sup> The preliminary screening identifies potential impacts and mitigations for the proposed activities. The test within the preliminary screening is to determine whether the project 'might have a significant adverse impact on the environment' or 'might be a cause for public concern.'<sup>4</sup> The Board completed a Preliminary Screening of this application on June 28, 2019, in accordance with subsection 125(2) of the MVRMA.

The Board is satisfied that a reasonable period of notice was given to Communities and First Nations affected by the application as required by Subsection 63(2) of the MVRMA so that they could provide comments to the Board.

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<sup>1</sup> See WLWB Online Registry ([www.wlwb.ca](http://www.wlwb.ca)) for [GNWT-ENR – Geotechnical Investigation – Land Use Permit Application – May 14 19](#)

<sup>2</sup> See WLWB Online Registry ([www.wlwb.ca](http://www.wlwb.ca)) for [GNWT-ENR - Geotechnical Investigation - Land Use Permit Application - Review Summary and Attachments - Jun 19 19.pdf](#)

<sup>3</sup> See the Mackenzie Valley Environmental Impact Review Board ([www.reviewboard.ca](http://www.reviewboard.ca)) for the [Environmental Impact Assessment Guidelines](#), 2004.

The Board is also satisfied that the Tlicho Government has also been consulted in accordance with Section 63 of the MVRMA.

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 Land Use Permit.

No concerns were raised by Parties during the public review. The GNWT-ENR indicated that it has no comments or recommendations at this time; the GNWT-Department of Lands indicated that it had no concerns. 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 that:

- ***there is no reasonable likelihood that the proposed development might have a significant adverse impact on the environment; and***
- ***there is no reasonable likelihood that the proposed development might be a cause of public concern.***

PRELIMINARY SCREENING DECISION	
<input type="checkbox"/>	<b>Outside Local Government Boundaries</b>
<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 type="checkbox"/>	<b>Wholly within Local Government Boundaries</b>
<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



**Chair, Wek'èezhìi Land and Water Board**

<sup>4</sup> See The Mackenzie Valley Environmental Impact Review Board ([www.reviewboard.ca](http://www.reviewboard.ca)) for the [Environmental Impact Assessment Guidelines](#), 2004.