



P.O. Box 32, Wekweètì, NT X0E 1W0  
Tel: 867-713-2500 Fax: 867-713-2502

#1-4905 48th Street, Yellowknife, NT X1A 3S3  
Tel: 867-765-4592 Fax: 867-765-4593  
[www.wlwb.ca](http://www.wlwb.ca)

October 22, 2020

File: W2020F0004

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

Sent by email

Dear Mark Cliffe-Phillips,

**Re: Notice of Preliminary Screening Determination – Application for Land Use Permit – W2020F0004 – [Northern Quality Control]**

The Wek'èezhii Land and Water Board] (Board) met on October 22, 2020 and considered the Application from Northern Quality Control (NQC) for Land Use Permit (Permit) W2020F0004 for the construction of a private road in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board conducted a preliminary screening based on 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 Board's reasons for decision, as required by section 121 of the MVRMA, are attached.

If the Board does not receive notice of referral to environmental assessment, it can proceed with issuance of Permit W2020F0004 on **Monday November 2, 2020**.

The Board and staff look forward to continued communications throughout the pause period. Please contact Anneli Jokela at (867) 765-4588 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "J. Mackenzie".

Joseph Mackenzie  
Wek'èezhii Land and Water Board, Chair

Copied to: Wek'èezhii East Distribution List  
Donovan Boucher, NQC  
Attached: Preliminary Screening Reasons for Decision



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## Reasons for Decision

<b>Preliminary Screener</b>	WLWB
<b>Reference/File Number:</b>	W2020F0004 (Type "B" Land Use Permit)
<b>Applicant:</b>	Northern Quality Control
<b>Subject:</b>	Type B Land Use Permit Application Preliminary Screening

## Decision from the Wek'èezhii Land and Water Board Meeting of October 22, 2020

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### 1.0 Decision

The Wek'èezhii Land and Water Board (WLWB or the Board) met on October 22, 2020 and considered a Land Use Permit Application from Northern Quality Control (NQC) for the construction of a parking lot at kilometer 292 on Highway 3. The Board conducted a preliminary screening of the Application according to subsection 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA) based on the application package and the public record for the proceeding. Based on the evidence provided, it is the Board's view that the proposed parking lot will not have a significant adverse impact on the environment or be a cause for public concern as set out in paragraph 125(1)(a) of the MVRMA. Therefore, the Board has decided to **not to refer** the Project to Environmental Assessment.

In accordance with subsection 125(1.1) of the MVRMA, the Board shall not issue a licence, permit, or other authorization for the development before the end of 10 days after the day on which the Review Board received the report of the determination. If no referral to environmental assessment is received by November 1, 2020, the Board will issue the Land Use Permit.

## 2.0 Background

The WLWB received a Land Use Permit Application from NQC on August 24, 2020.<sup>1</sup> The purpose of the Application is to construct a parking lot at kilometer 292 on Highway 3, NT. The Application was deemed Incomplete on August 28, 2020.<sup>2</sup> An updated Engagement Log was submitted to complete the application on September 16, 2020.

The Application indicated that the corporation is Northern Traditional Excursions. As part of the completeness check, confirmation was received of corporate registration for Northern Quality Control. It was confirmed that the Applicant is currently operating under Northern Quality Control and not Northern Traditional Excursions; therefore, the Permit would be listed under this corporation.

Pursuant to paragraph 23(b)(iii) of the Mackenzie Valley Land Use Regulations (MVLUR), a Type B Application can be treated as a Type A Permit application if more than 30 days are required to gather the socio-economic, scientific or technical information. Given that this is a new Application and adequate time is required for reviewers to provide comments and recommendations, this Application was treated as a Type A permit which, according to subsection 22(2) of the MVLUR, allows for 42 days for the Board to decide on the Application.

The Application and draft Permit were distributed for public review on September 18, 2020, inviting reviewers to provide comments and recommendations using the Online Review System (ORS). This Application is subject to preliminary screening, as required under subsection 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA). Reviewers were encouraged to provide comments and recommendations (e.g., on impacts and mitigations measures) to assist with the completion of the preliminary screening. Reviewer comments were due October 7, 2020. Comments and recommendations were received by the Government of Northwest Territories Environment and Natural Resources – Environmental Assessment and Monitoring (GNWT-ENR), the GNWT-Lands (Lands Inspector), the GNWT-Prince of Wales Northern Heritage Centre (GNWT-PWNHC), and the Tłıchǫ Government (TG); WLWB staff also asked questions. The Wek'èezhì Renewable Resources Board (WRRB) indicated they had no comments or recommendations at this time. A letter from GNWT-Lands was received indicating it supported the issuance of the permit, that the Territorial Lands Administration had no concerns, and that the Mining Recorder's Office indicated that there was no mineral tenure in the area of the proposed LUP application. NQC submitted responses to some reviewer comments by the response deadline of October 14, 2020. No response to reviewer comments was interpreted as the Applicant having no concerns with the proposed recommendation; this was confirmed by staff over the phone on October 15, 2020. Reviewer recommendations and the Applicant's responses are available on the WLWB Online Registry.<sup>3</sup>

No concerns regarding timelines for consideration of the Application were raised during the public review and no request to extend the reviewer comment deadline were received; therefore, the Board is satisfied

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<sup>1</sup> See WLWB Online Registry ([www.wlwb.ca](http://www.wlwb.ca)) for [Northern Quality Control – Land Use Permit Application – Aug 24 20](#)

<sup>2</sup> See WLWB Online Registry for [Northern Quality Control – LUP Application – Incomplete – Aug 28 20](#)

<sup>3</sup> See WLWB Online Registry for [Northern Quality Control – LUP Application – Review Summary and Attachments – Oct 15 20](#)

that a reasonable period of notice was given to affected communities and First Nations, as required by subsection 63(2) of the MVRMA. The Board is also satisfied that the Tłı̨chǫ Government has been consulted in accordance with section 63 of the MVRMA.

### 3.0 Reasons for Decision

#### 3.1 Preliminary Screening

In accordance with subsection 124(1) of the MVRMA, the Board must conduct a preliminary screening of the Application. The preliminary screening identifies potential impacts and mitigations for the proposed activities. As per subsection 125(1), the Board must: (a) determine and report to the Review Board whether, in its opinion, the development might have a significant adverse impact on the environment or might be a cause of public concern; and (b) where it so determines in the affirmative, refer the proposal to the Review Board for an environmental assessment.<sup>4</sup>

##### 3.1.1 Discussion of Potential Impacts and Proposed Mitigations

In Section 17 of the Application, NQC identified potential impacts and proposed mitigations. During the public review, reviewers were encouraged to provide comments and recommendations (e.g., on impacts and mitigation measures) to assist with the Board’s preliminary screening determination. Comments were received during the public review regarding potential impacts from the proposed Project. These are discussed in Table 1, along with the Board’s analysis of the potential impacts.

**Table 1: Summary of Potential Impacts of the proposed Application and proposed Mitigations**

<b>Potential Impacts</b>	<b>Activity</b>	<b>Proposed Mitigations</b> <i>Description of measures the Applicant intends to apply to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>
Contamination of soil from spills of fuel, petroleum products	Use of motorized equipment	<ul style="list-style-type: none"> <li>• <b>Concerns:</b> <ul style="list-style-type: none"> <li>○ <b>Identified in the Application:</b> Section 15 of the Application states that refueling of equipment will occur prior to arrival on site. The Contractor will have a spill kit for any fuel leaks which might occur on site. Equipment will be inspected prior to arrival on site.</li> <li>○ <b>Identified During the public review:</b> No concerns were raised by Parties during the public review.</li> </ul> </li> <li>• <b>Mitigations:</b> <ul style="list-style-type: none"> <li>○ Standard conditions (i.e., Conditions 88, 96, 97, 98, and 99 from the Standard List) related to Fuel Containment, Spill Response, Drip Trays, Clean up</li> </ul> </li> </ul>

<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.

		<p>Spills, and Report Spills conditions can be included in the Permit to mitigate potential impacts.</p> <ul style="list-style-type: none"> <li>• <b>Board Analysis and Determination:</b> <ul style="list-style-type: none"> <li>○ <b>The Board believes the inclusion of standard conditions will mitigate any potential impacts and the development is not likely to have a significant adverse impact on the environment or might be a cause of public concern.</b></li> </ul> </li> </ul>
Loss of vegetation	Clearing of timber, brush, or vegetation mat	<ul style="list-style-type: none"> <li>• <b>Concerns:</b> <ul style="list-style-type: none"> <li>○ <b>Identified in the Application:</b> Section 17 of the Application states that a small number of brush/trees are to be cleared for the proposed parking lot. No excavation will occur, and no streams or water bodies will be impacted. The parking lot is proposed to be placed on existing granite rock.</li> <li>○ <b>Identified During the public review:</b> No concerns were raised by Parties during the public review.</li> </ul> </li> <li>• <b>Mitigations:</b> <ul style="list-style-type: none"> <li>○ The Board notes that standard conditions (i.e., Conditions 100, 101, 107, and 110 from the Standard List) related to Brush Disposal/Time, Minimize Area Cleared, Disposal of Overburden, and Final Cleanup and Restoration conditions can be included in the Permit to help mitigate potential impacts.</li> </ul> </li> <li>• <b>Board Analysis and Determination:</b> <ul style="list-style-type: none"> <li>○ <b>The Board believes the inclusion of standard conditions will mitigate any potential impacts and the development is not likely to have a significant adverse impact on the environment or might be a cause of public concern.</b></li> </ul> </li> </ul>
Wildlife and Wildlife Habitat	Construction of parking lot	<ul style="list-style-type: none"> <li>• <b>Concerns:</b> <ul style="list-style-type: none"> <li>○ <b>Identified in the Application:</b> No concerns were raised by NQC in the Application.</li> <li>○ <b>Identified during the public review:</b> The GNWT-ENR identified that the proposed project area overlaps with ranges for Boreal Caribou (threatened) and Little Brown Myotis (Special Concern in the NWT) (GNWT-ENR comment 1).</li> </ul> </li> <li>• <b>Mitigations</b> <ul style="list-style-type: none"> <li>○ GNWT-ENR noted that the nature, scale, scope, location, and timing of the proposed project are not likely to cause significant impact to the species listed if ENR's wildlife recommendations are implemented as necessary (GNWT-ENR comment 1). Additionally, the standard condition Habitat</li> </ul> </li> </ul>

		<p>Damage (i.e., Condition 70 from the Standard List) can be included in the Permit to help mitigate potential impacts.</p> <ul style="list-style-type: none"> <li>• <b>Board Analysis and Determination</b> <ul style="list-style-type: none"> <li>○ <b>Based on the mitigation described above, the Board believes that the adherence with the recommendations from GNWT-ENR and the inclusion of the standard condition for Habitat Damage will mitigate any potential impacts and the development is not likely to have a significant adverse impact on the environment or might be a cause for public concern.</b></li> </ul> </li> </ul>
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### ***3.1.2 Summary of Potential Environmental Impacts***

The Board considered whether the proposed activities might have a significant adverse impact on the environment. Mitigation measures for potential impacts are identified in Table 1 above. These mitigation measures include existing Land Use Permit conditions. The Board believes that these conditions address the concerns with respect to mitigating potential impacts.

### ***3.1.3 Summary of Public Concern***

The Board must also consider whether a proposed development might be a cause of public concern. Although public concern may be less clearly defined than the questions related to significant adverse environmental impacts, it is the Board’s responsibility to evaluate public concern as a potential trigger for an Environmental Assessment.

The Board notes that no reviewers voiced public concern in review of the application. In addition, in reviewing the comments provided during the public review, the Board did not identify any comments or issues that indicate a possible cause for public concern.

### ***3.1.4 Overall Preliminary Screening Determination***

The Board has reviewed all the evidence received NQC and reviewers with respect to the Preliminary Screening of the proposed parking lot. Based on the information provided by NQC in the Application package and the public review; the ability to address any remaining concerns with respect to mitigating potential impacts with the inclusion of conditions in the Land Use Permit; the lack of public concern raised during the review process; and the absence of comments indicating that this Permit Application should be referred to the Review Board, it is the Board’s view that the proposed parking lot will not have a significant adverse impact on the environment or be a cause of public concern.

Signed the 22<sup>nd</sup> Day of October, 2020, on behalf of the Wek'èezhii Land and Water Board



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Witness



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Joseph Mackenzie  
Chair, Wek'èezhii Land and Water Board