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November 16, 2020

File: G18X005 G18L8-001

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 Permit and Water Licence
Inuvik Wind Project – Inuvik, NT**

The Gwich'in Land and Water Board (Board) met on November 14, 2020 and considered the Application from NWT Energy Corporation (03) Ltd. (NTEC) for Type A Land Use Permit (Permit) G18X005 and Water Licence (Licence) G18L8-001 for the Inuvik Wind Project in Inuvik, NT, 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 issuances of G18X005 and G18L8-001 on November 27, 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 AlecSandra Macdonald at (867) 777-4954

Yours sincerely,

Elizabeth Wright
Chair, GLWB

Copied to: GLWB Distribution List

Attached: Preliminary Screening Report, including Reasons for Decision

Preliminary Screening Report Form

<p>Preliminary screener: GLWB</p> <p>Reference / File number: G18X005 G18L8-001</p> <p>TITLE: Inuvik Wind Project</p> <p>ORGANIZATION: NWT Energy (03) Ltd.</p> <p>MEETING DATE: November 16, 2020</p>	<p>EIRB</p> <p>Reference number:</p>
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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:

Inuvik Wind Project proposes the construction of a 6 km access road that will be 6 metres wide and extend for approximately 5 kilometers, from km 255, Dempster Highway #8 (near the Mike Zubko Airport in Inuvik) to the summit of Highpoint hill. The proposed 2 to 4 MW wind turbine will have a 75 to 100 m hub height, and three blades attached to the hub, and be located on a 50 m x 50 m parcel of land. The proposed transmission line will lie within the access road right of way.

Scope:

1. **Access road construction** involves removal of vegetation and placement of roadbed material/ compaction of the material (no excavation or ground cutting); vehicle traffic and transportation of turbine components will take place on the road for the rest of the construction phase
2. **Wind turbine construction** includes foundation pier drilling, crane pad preparation, material placement (e.g. Concrete for the foundation, aggregate for preparation of construction areas), vegetation clearing for heavy equipment laydowns and staging areas.
3. **Installation of electrical line** from turbine to airport substation involves drilling for wooden poles and grounding and stringing of conductor lines on poles, with transportation of materials via the Dempster Hwy #8.
4. **Airport substation upgrades** include placement of aggregate to expand pad, expansion of existing fence, build support structures for protection equipment and place equipment.
5. **Battery and Feeder Breaker Installation** at power plant involves drilling for foundation piers, placement of aggregate and other construction material.
6. **Water Use** will take place during the construction phase for concrete mixing, drilling, dust management, road bed compaction and rinsing construction equipment to prevent transfer of invasive plant species, and possibly other construction related activities. Water will be sourced from either Dolomite Lake or Campbell Creek, to a combined maximum of 110m³ per day.
7. **Operation and Maintenance**
8. **Closure and Reclamation**

Equipment

1-2 Trailing crane	61 000 kg	Support crane for turbine installation, crane for loading and offloading materials and equipment
1 Main erection crane	approximately 350 000 kg with counterweights, 96 000 kg without	Turbine erection
5-10 Concrete trucks	12,500 kg empty, up to 30 000 kg filled	Concrete delivery for all foundations
1-2 Excavators	30 000 kg (medium)	Substation and turbine foundation excavation
1-3 Bulldozers	13 500 kg	Grading for the road to the turbine, the laydown area, the crane pad, and the substation.
1-5 Dump trucks	15 000 kg	Materials hauling for all construction areas, imported and exported materials
1 Horizontal directional drilling equipment	40 000 kg	Not anticipated to be needed, but if required to bore a beneath-road cable crossing
1-2 Telehandler	12 000 kg	Materials handling at all construction sites
1-3 Skid steer loaders	6 200 kg	Bulldozer support, grading materials handling and manipulation
Semi truck-trailer	Will depend on load weight and road capacity. Truck estimated at 5 000 kg without trailer	Transportation of equipment and turbine to site
2 Bucket trucks	40 000 kg	Transmission line installation
1 Water truck	11000 kg to 30 000 kg	Delivery of water to site. Will depend on truck size available. Capacities vary. Assuming available, smaller truck (11000kg) would suffice. Weight is unloaded.
Fuel truck	5,000 kg unloaded, 8,800 kg loaded.	Delivery of diesel to site and fueling of equipment. Assumption dependent on construction methodology and sequencing, but a 3,800 liter refueling truck is assumed
Various specialized heavy haul tractor trailer combinations.	10	25,000 – 85,000 kg

Scope:

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

Type of Disposition Disposition Number(s)

- Mineral Claims
- Prospecting Permit (s)
- Mineral Leases
- Oil and Gas: EL/SDL/PL
- Quarry Permit
- Timber Permit
- Other: N/A

Reserve 107-B07-172 Set aside for GNWT INF/NTEC

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

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

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> Access Road | <input checked="" type="checkbox"/> Waste Management |
| <input type="checkbox"/> construction | disposal of hazardous waste |
| <input checked="" type="checkbox"/> abandonment/removal | <input checked="" type="checkbox"/> waste generation |
| <input type="checkbox"/> modification e.g., widening, straightening | <input type="checkbox"/> sewage |
| <input type="checkbox"/> Automobile, Aircraft or Vessel Movement | <input type="checkbox"/> disposal of sewage |
| <input type="checkbox"/> Blasting | <input type="checkbox"/> Geoscientific Sampling |
| <input type="checkbox"/> Building | <input type="checkbox"/> Trenching |

- 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

- 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:
107B07

Latitude / longitude

68.300497, -133.520022

Nearest community and water body:

Inuvik, NT / Dolomite Lake

Land Status (consultation information)

- Free Hold/Private
 Commissioner's/Territorial Lands
 Terri 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:

No groundwater identified or expected at location

N/A

Impact

2) Surface Water

Mitigation

flow or level changes

water quality changes

Material (sources)	Potential Discharge Event	Discharge Volume (worst case)	Direction of Potential Discharge
Diesel Fuel (trucks, equipment)	1) Over pumping of fuel from fuel truck into equipment 2) Leaking from equipment 3) Fuel service truck accident	Likely under 1L (Maximum 43,000L, assuming the largest available fuel service truck)	Based on local topography, it is likely that petroleum hydrocarbons discharged into the environment would pool in low lying areas in the vicinity of the refueling truck.
Gasoline (trucks, ATVs, snow machines)	1) Leaking from equipment	Likely under 1L (Maximum 75L)	Based on local topography, it is likely that petroleum hydrocarbons discharged into the environment would pool in low lying areas in the vicinity of the refueling truck.

Spill Contingency Plan Addresses Fuel Spills on Water and Land

water quantity changes

drainage pattern changes

temperature

wetland changes/loss

other:

N/A

Impact

3) Noise

Mitigation

noise in/near water

noise increase

Temporary noise increase due to construction

other:

N/A

Impact

4) Land

Mitigation

geologic structure changes

soil contamination

Spill Contingency Plan Addresses Fuel Spills on Water and Land

- buffer zone loss
- soil compaction and settling
- destabilization/erosion

Permafrost	The access road will be developed by INF and will follow best practices for design, construction, and operation as specified in the Northern Land Use Guidelines for Access: Roads and Trails (GNWT 2015), as well as any other internal best practice measures.
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- permafrost regime alteration
- explosives/scarring
- other:
- N/A

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

Potential Effect	Project Phase	Avoidance and Mitigation Measures
Loss of vegetation	Construction	<ul style="list-style-type: none"> • Minimize Project footprint during Project design, and ensure Project activities are limited to the approved area during construction and operation. • Minimize the introduction of invasive species and weeds.
Changes in the structure and/or composition of vegetation communities	Construction, Operation	<ul style="list-style-type: none"> • Minimize Project footprint during Project design, construction and operation. • Minimize the introduction of invasive species and weeds through cleaning vehicles prior to arrival at site and revegetating temporarily used areas.

- toxin/heavy accumulation
- other: Linear Migration routes, habitat fragmentation
- N/A

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

Interacting Environment

Impact

1) Habitat and Communities

- 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

- planning/zoning changes or conflicts
- increase in urban facilities or services use

Mitigation

Potential Effect	Project Phase	Avoidance and Mitigation Measures
Alteration or Removal of Habitat	Construction	<ul style="list-style-type: none"> • Minimize Project footprint during Project design, construction and operation. • Limit dust production along Project access road and during construction activities. • Minimize the introduction of invasive species and weeds. • Create breaks in snow windrows along Project access road.
Disturbance or Displacement	Construction, Operation	<ul style="list-style-type: none"> • Minimize Project footprint during Project design, construction and operation. • Avoid denning sites and <u>other</u> sensitive habitat features as identified by the environmental monitor. • Implement a Construction Environmental Management Plan during the construction phase of the Project. • Minimize the volume levels, duration and frequency of noise sources during construction.
Injury or Mortality	Construction, Operation	<ul style="list-style-type: none"> • Minimize Project footprint during Project design, construction and operation. • Avoid denning sites and other sensitive habitat features. • Implement a Wildlife Management Plan during the construction phase of the Project. • Speed limits will be posted along the Project access road.

Potential Effect	Project Phase	Avoidance and Mitigation Measures
Habitat removal	Construction	<ul style="list-style-type: none"> • Minimize Project footprint to avoid effects during Project design, construction and operation.
Sensory disturbance	Construction, Operation	<ul style="list-style-type: none"> • Minimize the amount and extent of noise sources. • Minimize the amount and extent of artificial light sources.
Mortality	Construction, Operation	<ul style="list-style-type: none"> • Vegetation removal will occur during the non-breeding bird window, or surveys will be conducted to ensure no effects to nests. • Speed limit signs will be posted along the Project access road. • Turbine design will be selected to reduce attractiveness to birds.

Mitigation

Mitigation

- 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

Navigation	<p>The following best practices will be considered for due diligence purposes:</p> <ul style="list-style-type: none"> • The Proponent will follow best practices identified in TP1247E: Aviation – Land Use in Vicinity of Aerodromes. Part VI – Wind Turbines and Wind Farms. The best practices in this guidance relate to wind turbine marking and lighting, wind turbine interactions with airport radar, navigation aids and communication systems, weather radar, and light pollution. • Canadian Aviation Regulations. Part VI – General Operating and Flight Rules. Standard 621 – Obstruction Marking and Lighting. Chapter 12 Marking and Lighting of Wind Turbines and Wind Farms <p>In addition, once the final turbine model has been selected and the height of the WTG is known, the Proponent will communicate this information to representatives from the Inuvik Airport and the Shell Lake Water Aerodrome.</p>
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During the Public Review, Nihtat Gwich'in Council commented that there was a potential for public concern. The Board performed the 'Might test' looking at the Breadth of Concern, History of Concern, and opportunity for Public Consultation to reach its decision.

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

Archaeological Resources	For due diligence purposes, and as recommended in the HROA, a Chance Find Procedure will be developed for Project construction activities that involve sub-surface disturbance.
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AIA was completed. During the Public Review, The Prince of Wales NHC and GTC Department of Cultural Heritage had no concerns following the negative results of the assessment.

Reasons For Decision

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

1.0 Decision

The Gwich'in Land and Water Board (GLWB or the Board) met on November 16, 2020 and considered a Land Use Permit and Water Licence Application from NWT Energy (03) Ltd (NTEC). 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 Inuvik Wind Project 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 27, 2020, the Board will issue the Land Use Permit.

2.0 Background

On October 30, 2018, NWT Energy corporation (03) Ltd. submitted Applications for a new Water Licence and Land Use Permit for the Inuvik Wind Project. The Applications were found to contain the information required by paragraph 19 of the MVLUR, section 72.1 of the MVRMA, and section 34 of the Waters Act; they were deemed complete on November 9, 2018 and circulated - along with a Draft Permit and Draft Licence - for public review to the GLWB Distribution List.

By November 30, 2018 requests to extend the review period were received from the Nihtat Gwich'in Council (NGC) Nihtat Renewable Resources Council (NGRRC), Gwich'in Tribal Council (GTC), Inuvik Native Band (INB), and Gwich'in Renewable Resources Board (GRRB). Each Party requested additional time to review the and provide comments and recommendations.

On December 18, 2018, the Board invoked paragraph 22(2)(b) of the MVLUR for the Application for Permit G18X005, to allow for additional study of application materials by reviewers. The reviewer comment deadline was extended to February 28, 2019, with proponent responses due March 14, 2019.

By February 28 comments and recommendations regarding the Applications were received by the Board from the following parties:

- Environment and Climate Change Canada (ECCC)
- Fisheries and Oceans Canada (DFO)
- Government of the Northwest Territories – Prince of Wales Northern Heritage Centre (POWNHC)
- Government of the Northwest Territories Department of Environment and Natural Resources (GNWT ENR)
- Government of the Northwest Territories Department of Lands (GNWT Lands)
- Gwich'in Tribal Council - Department of Cultural Heritage (GTC DCH)
- Gwich'in Renewable Resources (GRRB)
- Nihtat Gwich'in Council (NGC)
- Inuvik Native Band (INB)

By March 14, NTEC had responded to all comments and recommendations.

The GLWB met on March 20, 2019, to consider the Land Use Permit and Water licence Application materials, and comments submitted during the public review period. The Board decided, under MVLUR 22(2)(b), that additional

study pertaining to engagement was required. The Board directed NTEC to either provide updated engagement records and plans which demonstrate that engagement has been conducted in accordance with the MVLWB engagement and consultation policy or conduct further engagement with regard to the Inuvik wind project.

NTEC submitted Engagement Plan and Record Version 2.0 on October 25, 2019. The document was circulated for public review on October 29, 2019. By November 12, 2019 comments had been received from the following parties:

- Gwich'in Tribal Council - Department of Intergovernmental Affairs (GTC IA)
- Gwich'in Tribal Council - Department of Cultural Heritage (GTC DCH)
- Gwich'in Renewable Resources (GRRB)
- Nihtat Gwich'in Council (NGC)
- Inuvik Native Band (INB)

On December 4, 2019 NGC Submitted to the GLWB a Request for Ruling (Request #1) made pursuant to Rule 22 and Rule 61 of the MVLWB Rules of Procedure (Rules). Request #1 sought a Directive from the Board to require NTEC to provide particulars in respect of their claim to have a right to occupy land and to be eligible to receive permits in accordance with s. 18(b) of the MVLUR.

The GLWB issued Information Request # 1 (IR#1) on December 10, 2019, directing NTEC to provide the requested information. NTEC responded on December 17, 2019 (IR#1 Response). The Board issued Information Request #2 (IR#2) on January 7, 2020, requesting NTEC provide additional information in support of its right to occupy, including evidence of a contractual relationship with the GNWT. NTEC submitted its response (IR#2 Response) on January 20, 2020.

On January 9, 2020 NGC submitted to the GLWB a second Request for Ruling (Request #2) made pursuant to Rule 22 of the MVLWB Rules. Request #2 alleged that NTEC failed to establish a lawful right to occupy lands affected by the proposed project, as required by paragraph 18(b) of the Mackenzie Valley Land Use Regulations

To ensure the necessary information was on the record prior to ruling on the NGC Request, on March 3, 2020, the GLWB issued a joint Information Request (IR #3) to NTEC and GNWT Lands, requesting further details pertaining to NTEC's right to occupy the lands in question; on May 26, 2020 NTEC/GNWT filed a response (IR#3 - Response). The Board then proceeded through Request #2 in accordance with the MVLWB Rules: Parties wishing to provide evidence in response to NGC's Request were required to do so by June 18, 2020 (No Submissions were received). NGC was given a July 2, 2020 deadline to respond to the GNWT/NTEC IR #3 Response, and to any additional evidence submitted (NGC did not provide a submission). Parties wishing to file arguments were directed to do so by July 16, 2020; by the deadline NTEC had provided argument. NGC was given the opportunity to reply and provide closing arguments by July 30, 2020, which it did.

The Board met on October 29, 2020 to rule on Request #2 and decided that NTEC does hold a lawful right to occupy the land applied for under G18X005 and is thus eligible to be issued a land use permit for the Inuvik Wind Project.

3.0 Public Review¹

Comments received the public review are summarized as follows:

Fish and Wildlife

- Generally, ECCC, DFO, ENR and GRRB indicate that the project be unlikely have a significant effect on fish or wildlife, including species at risk
- ENR recommended that a bear den survey be undertaken in the fall, and that an 800m exclusion zone be maintained if encountered

¹ See GLWB [Public Registry for Inuvik Wind Project](#)

- There was some concern that the road would increase wildlife mortality due to ease of access by hunters (GRRB), and that bird and raptor mortality could occur due to wind turbine operations (GRRB, ECCC).
- Ongoing monitoring of bird mortality is recommended (ECCC)
- The proponent committed to investigating gates to prevent access, and to monitoring

Waste Disposal

- ENR provided general recommendations regarding waste disposal procedures.
- The proponent committed to making required updates, and making appropriate arrangements with the Town of Inuvik to deposit waste at the Waste Disposal Facilities

Water Use and Crossings

- ENR recommended that water sources not be approved until additional details regarding bathymetric information, available water volumes and flow measurement at the proposed sources be provided, as well as proposed daily and total withdrawals from each source
- ENR recommends that Max annual withdrawal volumes be indicated for each water source
- Details on Water storage and unused water should be included
- Proponent responded that no streams larger than 5 meters will be crossed, and that water will only be used for dust suppression

Spill Contingency Plan

- GNWT ENR and GNWT Lands provided general recommendations for spill prevention and response measures
- Proponent has committed to providing updates to the SCP as requested

Archeology and Traditional Use

- Anthological impact assessment was conducted, and a traditional use workshop (and subsequent report) was undertaken. Neither yielded any concerns.
- No further archeological work is required (GNWT ECE, GTC DCH)

Engagement and Consultation

- Nihtat Gwich'in Council and Inuvik Native Band both expressed concerns that the proponent has not undertaken adequate engagement for the project, and that consultation records are misrepresented in the engagement log
- Both groups indicate that there are "significant and ongoing social, environmental and cultural impacts that may result because of the project" which may impact aboriginal rights and title interests, and that need to be properly identified and addressed prior to permitting
- Both groups requested the Board direct the proponent to provide funding
- The proponent responded that engagement efforts were ongoing and comprehensive, and that the two groups did not provide specific information on what impacts they were referring to or which rights had been infringed upon

AS directed by the Board, NTEC conducted additional engagement and prepared ERP V.2.0, which was circulated for public review. Comments on ERP are summarized below:

- GTC commented that there should be further engagement, through GTC as the treaty rights holder, that includes all RRC and DGOS, in order to further develop and finalize a collaborative partnership approach for this project, including Reconciliation, the implementation of the United Nations Declaration on Indigenous Peoples (UNDRIP), and nation-to-nation relationship development. GTC stressed that consultation and engagement outlines not only the potential harms to community and environmental resources but also the potential for economic opportunity and benefits for Gwich'in.
- NGC commented that the updated plan was inadequate and failed to address their concerns.

They recommended the Board direct NTEC to conduct additional engagement (that meets the standards for crown duty to consult), and submit a new plan – or refer the project to MVEIRB

4.0 Performing the Might Test²

The primary objective of preliminary screening (for projects located outside of local government boundaries) is to determine if a development proposal:

- *might* have a significant adverse impact on the environment, or
- *might* be a cause of public concern

Where a screener determines that one or both of these tests (the *might* tests) are met, then the development must be referred to the Review Board for an environmental assessment. As a preliminary screener, the Board is not required to determine if there will be a significant impact, only if there *might* be one. Preliminary screeners' analyses should go no further than needed to determine that this test has been met, considering the guiding principles of the MVRMA.

In conducting the might test, the Board should ask the following questions:

- Are there unanswered questions about the development related to potentially significant impacts or public concern?
 - If, after a public review period and developer responses, there are still unanswered questions about potentially significant impacts, then an environmental assessment should be considered.
 - Screeners need to consider the scope of these questions and any uncertainty about potential impacts or the effectiveness of mitigation measures when conducting the might test.

The purpose of preliminary screening is to identify whether there are questions that should be assessed further (in environmental assessment), not to determine answers to those questions. Preliminary screeners should refer a development to an environmental assessment if:

- in the opinion of the preliminary screener, the “might” test has been met;
- there is not enough information for the screener to determine that the “might” test has been met; or,
- there are uncertainties about the potential impacts or the effectiveness of proposed mitigation measures that require more thorough analysis.

When determining if there might be significant adverse environmental impacts, preliminary screeners should consider:

- The **magnitude**, or degree of change, of the impacts that might be caused
- The **geographical area** that the impact might affect
- The **duration** that the impact might have - how long will the impact occur?
- The **reversibility** of the impact that might occur
- The **nature** of the impact - how important is the component that the impact will affect?
- The **possibility** that the impact could occur

The threshold for making such a determination is low, due to the sensitivity of the “might” test. If there are doubts, the development should be referred to the Review Board for environmental assessment.

The GLWB completed the might test on the environment, using factors that MVEIRB suggests be considered when determining ‘if there might be significant adverse impacts on the environment. Analyses are provided in Table 1, below.

² See [MVEIRBs Environmental Impact Assessment Guidelines](#).

Note that the GLWB relied on the following guidance from MVEIRB:

Might: The Review Board recognizes that the term "might" means "possible". Any development "might" have environmental effects. However, to rationally apply the term might in the EIA process of the MVRMA, it should be practically interpreted to mean "reasonably possible". Screeners must ask "Is there a reasonable possibility of significant adverse impacts?"

Adverse: The Review Board interprets the term "adverse" to mean "undesirable, damaging or injurious". Developments have some impacts that are beneficial, and others that are undesirable. The latter are referred to as "adverse impacts".

Significant: The concept of significance is a fundamental one in EIA. Any development will cause many effects. The term "significant" means an impact that is, in the view of the Review Board matters enough to require intervention.

Table 1 – Might Test for Environmental Impacts

Factor	Consideration	Comments
Development scale	Larger developments often have more potential to cause significant adverse impacts.	The Project is relatively small when compared to the major projects that tend to be referred to EA: a single turbine (50 m x 50 m) and access road (5 km x 40 m)
Development location	near or upstream of parks, protected or ecologically sensitive areas;	No parks or ecologically sensitive areas nearby
	used for harvesting (wildlife, plants or berries), fishing, and trapping;	TK and TLU studies suggest low harvest potential.
	of critical or seasonally important wildlife habitat;	Area not identified as important wildlife habitat
	of cultural, spiritual, heritage or archaeological value;	TK TLU, Archaeological assessment indicate low cultural, heritage and archaeological value (POWNHC and GTC DCH had commented they had no concerns during public review.)
	of recreational value	TK and TLU studies suggest low recreational value
Nature of the Activity	the degree of disturbance;	Relatively small disturbance
	involvement of hazardous chemicals or effluents;	No hazardous chemicals or effluents
	major infrastructure requirements;	Turbine, Road and transmission line required
	changes to access, use of a new technology, or known technology in an unfamiliar setting;	Turbines are not common in the NWT (Diavik has the territory's only 4 turbines) however they have been

		installed in the North. Other examples include Alaska and Nunavut.
	social changes to community structure (such as construction camps near a community); or,	No changes to community structure expected
	changes to or stress on existing social service	No changes to social services expected
Mitigation measures to address impacts	mitigations in the development description and developer's commitments,	VECs were identified, impacts predicted, and mitigations proposed in application.
	standard conditions of regulatory authorizations,	Land Use Permit and Water Licence provide mitigation through standard conditions
	recommended mitigations or commitments from other regulators made during public review.	Reviewer recommendations were incorporated into the updated permit and licence.

In performing its might test on Public Concern, the Board Considered the following guidance from MVEIRB:

- Public concern needs to be reasonably linked to the proposed development and the potential for cumulative effects.
- The number of concerns voiced may also be a factor to the screener in gauging public concern. Although a large number of voiced concerns could lead to a referral, even a small number of voiced concerns may do so, depending on the reasons for the concern. For example, a single well-reasoned concern may be equally or more important than many unsupported letters.
- The location of the person or group voicing concerns may also be relevant. The MVRMA specifies that the EIA process must ensure that the concerns of Aboriginal people and the general public are taken into account,³ and that it should protect the well-being of residents and communities in the Mackenzie Valley⁴ and other Canadians.⁵
- Generally, the focus of screening (and the entire EIA process) is on the concerns of those most potentially affected by a development. However, some sites in the Mackenzie Valley have specific territorial, national or international designations implying a broader duty of care when considering comments and concerns from outside the Mackenzie Valley, such as National Parks or World Heritage Sites. Concerns about transregional developments, or developments with impacts in other regions, may be important even if the concerns come from an adjacent region outside of the Mackenzie Valley.

³ See subsection 114(c) of the MVRMA.

⁴ See paragraph 115(1)(b) of the MVRMA.

⁵ See section 9.1 of the MVRMA.

Table 2 – Might Test for Public Concern

Factor	Consideration	Comments
Breadth of concern	Is public concerns widespread or was concern was not raised? (Note that a concern need not be widespread to be legitimate and worthy of consideration, but widespread concern should be considered when identified.	<ul style="list-style-type: none"> - NTEC indicates that public no concerns were raised during the TK/TLU workshops, which involved input from 21 participants, (including NGC, INB, GTC staff and representatives) - During the Initial Public Review of the applications no mentions of public concern were submitted. - During the Review of Engagement plan V 2.0, NGC recommended (also on behalf of INB) that the Board should either require additional engagement or refer the Project to EA due to the potential for both significant environmental impacts and public concern. - GTC did not raise issues regarding public concern
History of Concern	Is there a history of concern in the area? Past concern with development in an area may indicate the likelihood of more public concern.	<ul style="list-style-type: none"> - No history of concerns in the area
Opportunity for Public Consultation	Has ample opportunity been provided for public consultation and input prior to the start of the screening process? For example, has the proposed development already been subject to a comprehensive review process (such as park establishment consultations), and have comments received during the screening process already been addressed during that process?	<ul style="list-style-type: none"> - Opportunity for public involvement, including at TK/TLU workshop, open houses, prior to screening - No other comprehensive review process, however none would be required for a project of this type. - Board suggests opportunities for public consultation were made available and are satisfactory to the scale of the project.

Conclusion

The Gwich'in Land and Water Board (the Board) is satisfied that the preliminary screening of Application G18X005 and G18L8-001, for NTEC Inuvik Wind Project, Inuvik 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.

The Board is satisfied that the concerns brought forward during the review period can be adequately mitigated through developer commitments and standard land use permit and water licence conditions.

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 conditions of a land use permit.

Preliminary Screening Decision	
<input checked="" 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 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>
<input 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 type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>
<input type="checkbox"/>	The development proposal might have public concern, <i>refer it</i>
<input type="checkbox"/>	<i>to the EIRB. Proceed with regulatory process and/or</i>

Preliminary Screening Organization

Signatures

Gwich'in Land and Water Board

November 16, 2020



Elizabeth Wright, Chair

Appendix A
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 Gov't 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 Defence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GNWT – ENR	<input type="checkbox"/>	<input 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"/>
GNWT - Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GNWT – Lands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prince of Wales Heritage Center	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Worker's Compensation Board	<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"/>
Gwich'in Land and Water Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Gwich'in Land Use Planning Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gwich'in Renewable Resource Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gwich'in Social & Cultural Institute	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gwich'in Tribal Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gwichya Gwich'in Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gwichya Gwich'in Renewable Resources Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nihtat Gwich'in Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nihtat Gwich'in Renewable Resource Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Teetl'it Gwich'in Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Teetl'it Gwich'in Renewable Resource Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ehdiitat Gwich'in Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ehdiitat Renewable Resource Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hamlet of Aklavik	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hamlet of Fort Mcpherson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charter Community Of Tsiigehtchic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Town of Inuvik	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>