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## Staff Report

<b>Applicant:</b> Rowe's Construction	
<b>Location:</b> Highway #1, km 191.6	<b>File Number(s):</b> MV2015Q0022
<b>Date Prepared:</b> January 28, 2021	<b>Date of Board Meeting:</b> February 11, 2021
<b>Subject:</b> Extension Request	

### 1. Purpose

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) a request to extend the term of Land Use Permit (Permit) MV2015Q0022 for an additional two-years submitted by Rowe's Construction (Rowe's).

### 2. Background

- February 18, 2016 – Issuance of Permit MV2015Q0022;
- January 13, 2021 – Request received;
- January 13, 2021 – Request deemed complete and review commenced;
- January 27, 2021 – Comments and recommendations due and received;
- January 28, 2021 – Responses due and received;
- **February 11, 2021 – Request presented to the Board for decision, and**
- February 17, 2021 – Expiration of Permit MV2015Q0022.

### 3. Discussion

#### Project History

On February 18, 2016, the Board issued Permit MV2015Q0022 to Rowe's for a quarry operation at an existing site located on Highway #1, km 191.6. Rowe's has occupied this site since 2009.

On January 13, 2021, a request was submitted by Rowe's Construction for an extension to their current Permit for the continued use of the area as well as the ability to continue with operations. Rowes is not proposing any changes to the operation.

## Engagement

On December 4, 2020, Rowe's distributed notification to the affected parties including:

- Akaitcho First Nation
- Dehcho First Nation
- Denínu Kúé First Nation
- Deh Gáh Got'ie First Nation
- Hamlet of Fort Providence
- Ka'a Gee Tu First Nation
- Kát'odeeche First Nation
- NWT Métis Nation
- Town of Hay River
- West Point First Nation

Rowes requested that comments, concerns and recommendations be submitted by January 10, 2021. No comments were received by the submission date and Rowe's followed up on January 12, 2021.

## Eligibility

As per section 18 of the Mackenzie Valley Land Use Regulations (MVLUR), eligibility must be determined before the Board can issue a permit. Rowe's holds a Quarry Permit issued by the Government of the Northwest Territories. Rowe's is eligible for a permit under subsection 18(a)(i) of the MVLUR has been satisfied:

*18) A person is eligible for a permit who*

*(a) Where the proposed land-use operation is in the exercise of a right to search for, win or exploit minerals or natural resources,*

*(i) holds the right*

## Type of Area

This Project is in a non-federal area.

## Fees

No fees are required for an Extension Request.

## **4. Comments**

### Inspection Reports

Board staff have reviewed the recent Inspection Reports on the public registry. No concerns have been raised.

## **5. Public Review**

By January 28, 2021, comments and recommendations on the Request were received from 2 Parties:

- Government of the Northwest Territories – Environment and Natural Resources and
- Government of the Northwest Territories – Department of Lands (Inspector).

No significant concerns were raised during this review, and Board staff suggest Rowes responded appropriately and completely to all comments.

#### Draft Permit

No conditions have been changed.

#### **6. Security**

No security was required at initial issuance.

#### **7. Conclusion**

Board staff conclude there are no outstanding issues or concerns with this Request.

#### **8. Recommendation**

Board staff recommend the Board **make a motion to approve an extension to term of Land Use Permit MV2015Q0022** for an additional two-years.

A draft decision letter is attached.

#### **9. Attachments**

- [MV2015Q0022](#)
  - [Extension Request](#)
- Review Summary and Attachments
- Draft Land Use Permit Cover Page
- Draft Land Use Permit Conditions
- Draft Decision Letter from the Board

Respectfully submitted,



Tyree Mullaney  
Regulatory Specialist

### Review Comment Table

<b>Board:</b>	MVLWB
<b>Review Item:</b>	Rowes Construction - Extension Request - (MV2015Q0022)
<b>File(s):</b>	<a href="#">MV2015Q0022</a>
<b>Proponent:</b>	Rowe's Construction
<b>Document(s):</b>	<a href="#">Extension Request</a> (614.59 KB)
<b>Item For Review Distributed On:</b>	Jan 13 at 13:38 <a href="#">Distribution List</a> Jan 13 at 13:40 <a href="#">Distribution List</a>
<b>Reviewer Comments Due By:</b>	Jan 27, 2021
<b>Proponent Responses Due By:</b>	Jan 28, 2021
<b>Item Description:</b>	<p>Rowes Construction (the Applicant) has submitted a request to extend Land Use Permit (Permit) MV2015Q0022 for a term of two years. The Applicant is requesting to continue operating under their existing. No new activities have been requested.</p> <p>Using the Online Review System (ORS), reviewers are invited to submit comments and recommendations on the documents linked below by the review comment deadline specified. Reviewers may also wish to consider providing an overarching recommendation regarding whether the Board should approve the submission, to provide context for the comments and recommendations and assist the Board with its decision. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the Applicant prior to submitting comments and recommendations.</p> <p>All documents that have been uploaded to this review are also available on our public Registry. If you have any questions or comments about the ORS or this review, please contact Board staff identified below.</p>
<b>Contact Information:</b>	Jen Potten 867-766-7468 Tyree Mullaney 867-766-7464

### Comment Summary

GNWT - ENR - EAM (Environmental Assessment and Monitoring): Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Decision
1	General File	<p><b>Comment</b> (<a href="#">doc</a>) ENR Letter - No Comment or Recommendations at this time.</p> <p><b>Recommendation</b></p>	<p><b>Jan 28:</b> Acknowledged, Thank you</p>	
GNWT - Lands - Hay River Region: Jayda Robillard				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Decision
1	Extension Request for LUP MV2015Q0022	<p><b>Comment</b> The Inspector has reviewed the request for a 2 year extension to LUP MV2015Q0022 and has no concerns.</p> <p><b>Recommendation</b> The Inspector recommends that the 2 year extension be granted as applied for Existing LUP conditions will address any environmental concerns</p>	<p><b>Jan 27:</b> Acknowledged, Thank you</p>	



January 27, 2021

Tyree Mullaney  
Regulatory Specialist  
Mackenzie Valley Land and Water Board  
7<sup>th</sup> Floor – 4922 48<sup>th</sup> Street  
P.O. Box 2130  
Yellowknife, NT  
X1A 2P6

Dear Ms. Mullaney,

**Re: Rowe's Construction  
Land Use Permit Extension Request – MV2015Q0022  
Quarry and Associated Activities  
Request for Comment**

The Department of Environment and Natural Resources has reviewed the request at reference based on its mandated responsibilities under the *Species at Risk (NWT) Act* and the *Wildlife Act* and has no comments or recommendations for the consideration of the Board at this time.

Should you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at (867) 767-9233 Ext: 53096 or email [patrick.clancy@gov.nt.ca](mailto:patrick.clancy@gov.nt.ca).

Sincerely,

Patrick Clancy  
Environmental Regulatory Analyst  
Environmental Assessment and Monitoring Section  
Environmental Stewardship and Climate Change Division  
Department of Environment and Natural Resources  
Government of the Northwest Territories