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Staff Report

Applicant: Digaa Enterprises Ltd.	
Location: Deh Cho Region	File Number: MV2015W0018
Date Prepared: August 11, 2020	Date of Board Meeting: August 27, 2020
Subject: Extension Request for Type A Land Use Permit	

1. Purpose

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) a request by Digaa Enterprises Limited (Permittee) to extend the term of Land Use Permit MV2015W0018 (Permit) for an additional two-years.

2. Background

- December 3, 2015 – Permit issued;
- June 1, 2020 – Extension request received;
- June 1 - July 10, 2020 – Additional information received for request;
- July 17, 2020 – Extension request distributed for comments;
- August 4, 2020 – Due date for public comments;
- August 11, 2020 – Due date for Applicant to respond to public comments;
- **August 27, 2020 – Extension request presented to the Board for consideration and decision; and**
- December 2, 2020 – Permit expiry.

3. Discussion

The Board issued Type A Land Use Permit MV2015W0018 (Permit) to Digaa Enterprises Limited on December 3, 2015. The Permit, set to expire on December 2, 2020, allows the Permittee to conduct a wood or timber harvesting operations and associated activities near the community of Fort Providence. Specifically, the Permit allows the Permittee to conduct the following activities:

- a) Use of equipment and vehicles;
- b) Construction, maintenance, and reclamation of a road;
- c) Harvest wood or timber;
- d) Construction and operation of a camp facility; and
- e) Storage of fuel and hazardous materials.

Since issuance of the permit, the Permittee has not conducted any wood harvesting activities. To ensure that the permit remains current in the short-term and to allow for the Permittee to fulfill a pending timber supply agreement with Aurora Wood Pellets Limited, the Permittee has requested a 2-year permit extension.

The Permit extension request was received between June 1 – July 10, 2020, inclusively. Following an internal review in which additional information was requested and provided on different submission dates, the request was distributed on July 17, 2020 for public review. The due date for public comments was set to August 4, 2020 while the due date for the Permittee's response to comments was set to August 11, 2020.

Management Plans

Not Applicable

Engagement

The Permittee engaged/consulted the following parties: Fort Providence Metis, Ka'a'gee Tu First Nation and the Deh Gah Got'ie First Nation. The engagement/consultation was done in the form of written correspondence to the affected parties. None of the parties engaged/consulted objected to the extension request potentially being granted.

Eligibility

As per section 18 of the Mackenzie Valley Land Use Regulations (MVLUR), eligibility must be determined before the Board can issue a permit. The Board staff has confirmed that eligibility for a permit under *18(a)(i) of the Mackenzie Valley Land Use Regulations 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

The Permittee provided a copy of the Timber Cutting Agreement it has signed with the GNWT, which is attached to this Report.

Type of Area

Non-Federal (Territorial)

Fees

Not applicable.

Term

The extension being requested for a two-year term.

4. Comments

Subsection 26(6) of the Mackenzie Valley Land Use Regulations (MVLUR) states that an extension may be granted to the term of a permit if a written request is received prior to the Permit's expiry. In accordance with this requirement, the Permittee submitted its extension request for the Board's consideration in advance of its permit's expiry.

Staff review of the request and supporting information confirmed that there are no major issues of concern associated with the request. Staff note that no wood harvesting has been conducted to date under the permit; consequently, the project has had no impact on the proposed Project area.

5. Public Review

Prior to August 4, 2020 due date for comments, submissions were received from Fisheries and Oceans Canada – Triage Group Fisheries Protection Program (DFO – TGFP), the Government of the Northwest Territories – Hay River Regional (GNWT – HRR), and the Government of the Northwest Territories – Department of Environment and Natural Resources (GNWT-ENR).

DFO – TGFP

- Recommends that the codes of practice for use of Temporary Crossings as well as End-of-Pipe Fish Screens be reviewed;
- Provided that the plans can meet the Codes of Practice guidelines, the Fish and Fish Habitat Protection Program is of the view that the proposal will not require an authorization under the *Species at Risk Act*;
- Recommended that if plans change or if the Applicant omitted some information in its proposal, further review of the program may be required; and
- Stated that it is the Applicant’s responsibility to remain in compliance with the Fisheries Act.

GNWT – HRR

- Stated that existing LUP permit conditions should address any environmental concerns; and
- Recommended that the LUP be extended for two (2) years as requested by the Permittee.

GNWT – ENR

- Stated that it has no comments or recommendations for the Board’s consideration at this time.

On August 4, 2020, Digaa Enterprises Limited in its response to some of the comments and recommendations provided by parties, stated that it will review the Code of Practice for use of Temporary Crossings, as well as End-of-Pipe Fish Screens. Further, the Applicant commits to addressing all the comments and/or recommendations from reviewers.

Main Issues Raised

The following summarizes the main issues raised during the review:

- DFO provided generic information pertaining to the protection of fish and fish habitat and the Species at Risks Act.

Draft Permit

Conditions in the Permit have not changed.

6. Security

The Permittee is required to post with the Minister security in the amount of \$79,000 prior to commencement of operations as required under the existing Permit.

7. Conclusion

According to the information provided for the extension request and during the internal and public reviews, the proposed development is not likely to have a significant adverse impact on the environment or be a cause of public concern.

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 the term of Land Use Permit MV2015W0018 for an additional two years.**

9. Attachments

- [MV2015W0018 - Extension Request](#)
- [MV2015W0018 - Extension Request - Consultation Package](#)
- [MV2015W0018 - Extension Request - Engagement Log](#)
- [MV2015W0018 - Extension Request - Engagement Letter](#)
- [MV2015W0018 - Extension Request - Information Request](#)
- [Timber Harvesting Agreement](#)
- Current Summary Table
- Draft Land Use Permit Cover Page
- Draft Land Use Permit Conditions
- Draft Decision Letter from the Board

Respectfully submitted,



Sean Joseph
Regulatory Specialist

Review Comment Table

Board:	MVLWB
Review Item:	Digaa Enterprises Ltd. - LUP Extension Request (MV2015W0018)
File(s):	MV2015W0018
Proponent:	Digaa Enterprises Ltd.
Document(s):	MV2015W0018 - Digaa Enterprises Ltd. - Engagement Information (398.71 KB) MV2015W0018 - Digaa Enterprises Ltd. - LUP Extension Request (185.48 KB) MV2015W0018 - Digaa Enterprises Ltd. - Engagement Log (463.41 KB) MV2015W0018 - Digaa Enterprises Ltd. - Response to Information Request (382.29 KB) MV2015W0018 - Digaa Enterprises Ltd. - Extension Request - FMA Consultation Package (11.46 MB)
Item For Review Distributed On:	July 17 at 13:15 Distribution List
Reviewer Comments Due By:	Aug 4, 2020
Proponent Responses Due By:	Aug 11, 2020
Item Description:	<p>Digaa Enterprises Ltd. (the Applicant) has submitted a request to extend Land Use Permit (Permit) MV2015W0018 for a term of two years. The Applicant is requesting to continue operating under their existing Permit. 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>
Contact Information:	Jen Potten 867-766-7468 Sean Joseph

Comment Summary

Fisheries and Oceans Canada: Triage Group Fisheries Protection Program				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response (written response provided by Applicant but typed by staff)	Board Staff Analysis
1	Digaa Enterprises Ltd. - LUP Extension Request (MV2015W0018)	<p>Comment: Your proposal has been reviewed to determine whether it is likely to result in the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the Fisheries Act; and, effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the Species at Risk Act.</p> <p>Recommendation Please review Codes of Practice at (http://www.dfo-mpo.gc.ca/pnw-ppe/practice-pratique-eng.html) for use of Temporary Crossings as well as End-of-Pipe Fish Screens. Provided that the plans can meet the Codes of Practice guidelines, the Fish and Fish Habitat Protection Program (the Program) is of the view that your proposal will not require an authorization under the Fisheries Act or the Species at Risk Act. Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. It remains your responsibility to remain in compliance with the Fisheries Act, avoid prohibited effects on listed aquatic species at risk, any part of their critical habitat or the</p>	<p>Digaa Enterprises Ltd. will review codes of practice for use of temporary crossings, as well as End-of-Pipe Fish Screens.</p> <p>Digaa Enterprises Ltd. commits to fulfilling all of the recommendations as per the review comment/recommendations table</p>	Current terms in the permit addresses these issues.

		residences of their individuals, and prevent the introduction of non-indigenous species. It is also your Duty to Notify DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat.		
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GNWT - ENR - EAM (Environmental Assessment and Monitoring): Central Email GNWT

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	General File	Comment: (doc) ENR Letter No Comments or Recommendations at this time. Recommendation		Not Applicable

GNWT - Lands - Hay River Region: Jayda Robillard

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	2 Year LUP Extension Request for MV2015W0018	Comment: The Inspector has reviewed the LUP extension request. Existing land use permit conditions should address any environmental concerns. Recommendation: The Inspector recommends that the LUP be extended for 2 years as requested by the Permittee.		Not applicable



August 8, 2020

Jen Potten
Regulatory Coordinator
Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
P.O. Box 2130
Yellowknife, NT
X1A 2P6

Dear Ms. Potten,

**Re: Digaa Enterprises Ltd.
Land Use Permit Extension Request – MV2015W0018
Timber Harvesting Activities
Request for Comments**

The Department of Environment and Natural Resources, Government of the Northwest Territories has reviewed the extension request at reference based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act*, the *Species at Risk (NWT) Act*, the *Waters 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.

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