



Mackenzie Valley Land and Water Board
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Staff Report

Applicant: Government of the Northwest Territories – Department of Infrastructure	
Location: Yellowknife Highway – Ingraham Trail Corridor and Adjoining Roads	File Number: MV2017X0008
Date Prepared: July 22, 2019	Date of Board Meeting: August 8, 2019
Subject: Type A Land Use Permit Amendment	

1. Purpose

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board):

- a) An Application to amend Land Use Permit (Permit) MV2017X0008 submitted by the Government of the Northwest Territories – Department of Infrastructure (INF); and
- b) Consider the preliminary screening.

2. Background

- April 20, 2017 – Application deemed transboundary and issuance of Permit MV2017X0008;
- June 18, 2019 – Application received;
- June 19, 2019 – Application deemed incomplete;
- June 24, 2019 – Additional information submitted;
- June 28, 2019 – Application deemed complete and review commenced;
- July 18, 2019 – Reviewer comments and recommendations due and received;
- **August 8, 2019 – Application presented to the Board for decision, and end of the 42-day timeline.**
- April 18, 2022 – Expiration of Permit MV2017X0008.

3. Discussion

Project History

On March 6, 2017, the GNWT – INF submitted an application for a new Permit MV2017X0008 for the ongoing operation and maintenance of the existing NWT public highway system, specifically the Yellowknife Highway – Ingraham Trail corridor; including Highway #3 and the community access roads for Behchokò and Dettah. On April 20, 2017, the Board approved the Land Use Permit issued to GNWT-INF.

The Permit authorizes the following activities:

- The continuous and ongoing operation and maintenance of the existing NWT Public Highway system within the permit corridor along the Yellowknife Highway (NWT #3) between kilometre 124 and kilometre 338.8 (end of Highway #3), and along the Ingraham Trail (NWT #4) between kilometre 0 (Intersection with the Yellowknife Highway at km 338.8) and km 69.2 (Tibbitt Lake – the end of the Highway) and includes the Community Access Roads for Behchokò (Rae) and Dettah and other minor roads along the Yellowknife Highway – Ingraham Trail corridor and as listed under the *Public Highways Act* as Commissioners Land for the Government of the NWT, and includes all highways; roadways; winter road construction; bridges; culverts; quarries; storage of granular material stockpiles; embankment maintenance; rehabilitation and reconstruction; construction and use of temporary camps; storage of equipment and fuel; construction and maintenance of sand/salt storage facilities, a way scale and inspection facility, pullouts/rest areas; and access to water sources.
- The Permit area will be two (2) kilometres in width, one (1) kilometre on each side of the existing public highway/roadway centerline through the entire length of the permit corridor including access and minor roads as listed in the *Public Highways Act*.
- The aforementioned activities require the following equipment:
 - Tracked Dozers;
 - Hydraulic Excavators (wheeled and tracked);
 - Loaders (wheeled and tracked);
 - Motor graders;
 - Compaction equipment;
 - Asphaltic pavers;
 - Rotary drills;
 - Gravel crushing plants (cone and jaw);
 - Single axel, tandem axel and tridem axle haul trucks;
 - Tractor trailers;
 - Rock trucks;
 - Tractor mowing machines;
 - Fuel tankers;
 - Pile drivers;
 - Draglines;
 - Cranes;
 - Service vehicles;
 - Temporary construction/work camps;
 - Tree harvesters/mulchers;
 - Generators; and
 - Various small equipment (rock pickers, cultivators, roadway sweepers, post hole drills, post drivers, water pumps, rig mats, patching units, tar pots, tampers, compressors, jack hammers, etc.)

Description of Request

On June 18, 2019, the Board received an amendment request from INF. The amendment request is for the inclusion of a parking area within the right-of-way at Big Hill Lake trail head on Highway #4, km 23.1. Their current management plans would not be affected by this amendment. The application is also attached.

Their current management plans would not be affected by this amendment.

Engagement

- Engagement commenced on May 28, 2019 and followed up on June 12, 2019.
- There were no comment or concerns raised during the review.

Organizations Engaged:

- Tłıchǫ Government
- Yellowknives Dene First Nation
- Community Government of Behchokǫ
- NWT Metis Nation
- City of Yellowknife

Eligibility

The right-of-way is within the 30m allotted area in the *Public Highways Act* no additional documents are required to satisfy eligibility.

Type of Area

This Project is located in a non-federal area.

Fees

No application fee was required as the Applicant is the GNWT.

Term

INF has not requested any changes to term.

4. Comments

Triggers

The activities as described trigger a Type A permit as per paragraph 4(a) of the Mackenzie Valley Land Use Regulations.

No water licence is triggered because there is no direct water use or deposit of waste.

5. Public Review

On July 28, 2019, the application was deemed complete and sent for review on the online review system. By July 18, 2019, comments were received from two reviewers, the Government of the Northwest Territories – Department of Lands (Inspector) and the Government of the Northwest Territories – Environment and Natural Resources indicating that there were no comments on the amendment request.

As there were no comments submitted during the review INF did not respond. There were no concerns identified during the review of this Application.

Preliminary Screening

The draft Preliminary Screening (attached) contains information from the Amendment Application and public review regarding environmental and socio-economic concerns, along with mitigations, and is for the Board's consideration.

Draft Permit

As a result of the amendment, the conditions have remained unchanged as the permit covers the use of roadside pull outs in support of the transportation infrastructure.

6. Security

Security is not applicable to this Project as per section 94 of the *Mackenzie Valley Resource Management Act* (MVRMA) because the territorial government is not required to post security pursuant to section 71 of the MVRMA.

7. Conclusion

Board staff conclude that the conditions contained within this draft Permit should mitigate the potential environmental impacts this development may have on the land and water.

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

8. Recommendation

Board staff recommend the Board:

- a) **Make a motion to approve the preliminary screening** of the Amendment Request for Land Use Permit MV2017X0008 from Government of the Northwest Territories – Department of Infrastructure.
- b) **Make a motion to approve the amendment of Land Use Permit MV2017X0008 and the associated Reasons for Decision.**

A draft decision letter is attached.

9. Attachments

- [Amendment Request](#)
- [Additional Information](#)
- Review Summary and Attachments
- Draft Preliminary Screening
- Draft Land Use Permit Cover Page
- Draft Land Use Permit Conditions
- Draft Reasons for Decision
- Draft 10-Day Pause Notification Letter
- Draft Decision Letter from the Board

Respectfully submitted,



Tyree Mullaney
Regulatory Specialist

Review Comment Table

Board:	MVLWB
Review Item:	GNWT - INF - Amendment #2 - Additional Roadside Turnout - MV2017X0008
File(s):	MV2017X0008
Proponent:	GNWT - INF
Document(s):	Amendment - Additional Information (246.61 kb) Amendment Request (949.29 kb)
Item For Review Distributed On:	June 28 at 10:24 Distribution List
Reviewer Comments Due By:	July 18, 2019
Proponent Responses Due By:	July 23, 2019
Item Description:	<p>Government of the Northwest Territories – Department of Infrastructure (GNWT-INF) has submitted a request to amend Land Use Permit (Permit) MV2017X0008. GNWT-INF is requesting to amend the Permit to include an additional roadside turnout. The Permit covers the construction, maintenance and operation of roadside turn outs, however, the one being proposed was not included in the initial application therefore the Permit is being amended.</p> <p>Reviewers are invited to submit comments and recommendations using the Online Review System (ORS) by the review comment deadline specified below. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the Permittee prior to submitting comments and recommendations.</p> <p>Please provide comments and recommendations on the documents linked below. Reviewers may also wish to consider providing an overarching recommendation regarding whether they are in support of the submission, to provide context for comments and recommendations and to assist the Board with its decision.</p> <p>Please be advised that comments made by reviewers regarding impacts of this proposed amendment to wildlife and wildlife habitat in this preliminary screening will inform the GNWT Minister of Environment and Natural Resources' determination regarding whether a Wildlife Management and Monitoring Plan will be required for this project as per Section 95 of the Wildlife Act.</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 Tyree Mullaney 867-766-7464

Comment Summary

GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	General File	<p>Comment (doc) ENR Letter - No Comments or Recommendations at this time.</p> <p>Recommendation</p>		
GNWT - Lands - North Slave Region: Clint Ambrose				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	Amendment Application	<p>Comment The amendment request has been reviewed and all current operating conditions in the land use permit are satisfactory to mitigate potential environmental concerns.</p> <p>Recommendation The Inspector supports the approval of the amendment being sought by the Permittee.</p>		



July 18, 2019

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

Dear Ms. Mullaney,

**Re: Department of Infrastructure, GNWT
Land Use Permit Amendment – MV2017X0008
Additional Roadside Turn-Out
Request for Comments**

The Department of Environment and Natural Resources, Government of the Northwest Territories has reviewed the amendment 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