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November 8, 2019

File: MV2019F0026

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 Land Use Permit
Road – Ekati to NWT/NU Border**

The Mackenzie Valley Land and Water Board (Board) met on November 7, 2019 and considered the Application from Nahanni Construction Ltd. (Nahanni) for Type A Land Use Permit (Permit) MV2019F0026 for winter road construction from Ekati to the NWT/NU Border (Project) 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 issuance of Permit MV2019F0026 on Tuesday November 19, 2019.

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 Shelagh Montgomery at (867) 766-7457 or email smontgomery@mvlwb.com.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Mavis Cli-Michaud".

Mavis Cli-Michaud
Chair, MVLWB

Copied to: Akaitcho/Wekeezhii East – Distribution List;
Mr. Kenny Ruptash, Nahanni Construction

Attached: Preliminary Screening Report, including Reasons for Decision

Preliminary Screening Report Form

<p>Preliminary screener: MVLWB</p> <p>Reference / File number: MV2019F0026</p> <p>TITLE:</p> <p>ORGANIZATION: Nahanni Construction Ltd.</p> <p>MEETING DATE: November 7, 2019</p>	<p>EIRB</p> <p>Reference number:</p>
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Type of Development:
(CHECK ALL THAT APPLY)

- New
- Amend, EIRB Ref. #
- Requires permit, licence, or authorization
- Does not require permit, licence, or authorization

Project Summary:

Nahanni has submitted an application for a land use permit to construct a winter road from the Ekati Mine turnoff from Lac de Gras in the Northwest Territories to the Lupin Mine in Nunavut.

The program will extend from Lac de Gras to Lupin along the existing Tibbitt to Contwoyto Winter Road, traversing 95 km in the Northwest Territories and 118 km in Nunavut. Mobilization to construct and operate this portion of the winter road will occur from the existing winter road constructed and operated by the Joint Venture Management Committee.

The construction of the winter road will commence in Nunavut and work towards the Ekati Mine turnoff. As available, crews may also start simultaneously at Lac de Gras and work towards the Nunavut NWT Boarder. Nahanni has submitted an application for road construction to the regulators in Nunavut.

Water will be taken from the lakes along the route to support the construction of the winter road as well as the use of the mobile camp. The amount of water that is anticipated to be used is below the trigger for a water licence under the Water Regulations.

Nahanni has been granted permission to transport waste back to the Lupin mine site in Nunavut.

Fuel Requirements

Fuels	Number of Containers	Capacity of Containers	Location
Diesel	8	450L	Various, tidy tanks in the back of pick up trucks
Gasoline	20	50L	Various, for refuelling water pumps
Aviation Fuel	-	-	-
Propane	10	100lb	Emergency shelter/sled camp
Other	10	210L	Diesel for emergency shelter

Equipment Requirements

Number	Type and Size	Proposed Use
3	Loaders	Snow Clearing
6	Snowmobile	Support route selection and to transport people and supplies
2	Ice profilers	Determine ice thickness
8	Water Pumps	Winter road construction
3	Dozers	Portage construction
2	Hugland	Snow compaction
2	Water trucks	Road construction
3	Snow cats	Snow clearing
2	Temporary, mobile camps	Emergency shelter during construction
4	Graders	Snow clearing
8	Pick-up trucks	Transportation of crew and supplies
1	Side by side	Crew transportation

2	Fuel Trucks	Equipment Refueling
3	Tandem Dump Trucks	Snow hauling
3	End Dumps	Snow hauling
2	CY-14 Incinerator (1 for each camp)	Waste management
4	Small Generators	Camp power

Scope:

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Use of vehicles, machinery and equipment for the construction, use and maintenance of winter roads;
 - b) Use and storage of fuel;
 - c) Establishment of temporary fuel caches;
 - d) Establishment of staging areas; and
 - e) Use of temporary campsites.

Land Use Eligibility - Section 18 Mackenzie Valley Land Use Regulations:

Type of Disposition

Disposition Number(s)

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

Is the contractor to the company who holds the right

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

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Construction | <input type="checkbox"/> Exploration | <input checked="" type="checkbox"/> Decommissioning |
| <input type="checkbox"/> Installation | <input type="checkbox"/> Industrial | <input type="checkbox"/> Abandonment |
| <input type="checkbox"/> Maintenance | <input type="checkbox"/> Recreation | <input type="checkbox"/> Aerial |
| <input type="checkbox"/> Expansion | <input type="checkbox"/> Municipal | <input type="checkbox"/> Harvesting |
| <input type="checkbox"/> Operation | <input type="checkbox"/> Quarry | <input checked="" type="checkbox"/> Camp |
| <input checked="" type="checkbox"/> Repair | <input checked="" type="checkbox"/> Linear / Corridor | <input type="checkbox"/> Scientific |
| <input type="checkbox"/> Research | <input type="checkbox"/> Sewage | <input type="checkbox"/> Solid Waste |
| <input 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 type="checkbox"/> construction | <input checked="" type="checkbox"/> Waste Management | <input type="checkbox"/> disposal of hazardous waste |
| <input type="checkbox"/> abandonment/removal | <input checked="" type="checkbox"/> modification e.g., widening, straightening | <input checked="" type="checkbox"/> waste generation | <input checked="" type="checkbox"/> sewage |
| <input checked="" type="checkbox"/> Automobile, Aircraft or Vessel Movement | | <input checked="" type="checkbox"/> disposal of sewage | |
| <input type="checkbox"/> Blasting | | <input type="checkbox"/> Geoscientific Sampling | |
| <input checked="" type="checkbox"/> Building | | <input type="checkbox"/> Trenching | |
| <input type="checkbox"/> Burning | | <input type="checkbox"/> Diamond drill | |
| <input type="checkbox"/> Burying | | <input type="checkbox"/> Borehole core sampling | |
| <input type="checkbox"/> Channelling | | <input type="checkbox"/> Bulk soil sampling | |
| <input type="checkbox"/> Cut and Fill | | <input type="checkbox"/> gravel | |
| <input type="checkbox"/> Cutting of Trees or Removal of Vegetation | | <input type="checkbox"/> hydrological Testing | |
| <input type="checkbox"/> Dams and Impoundments | | <input checked="" type="checkbox"/> Site Restoration | |
| <input type="checkbox"/> construction | | <input type="checkbox"/> fertilization | |
| <input type="checkbox"/> abandonment/removal | | <input type="checkbox"/> grubbing | |
| <input type="checkbox"/> modification | | <input type="checkbox"/> planting/seeding | |
| <input type="checkbox"/> Ditch Construction | | <input type="checkbox"/> reforestation | |
| <input type="checkbox"/> Drainage Alteration | | <input type="checkbox"/> scarify | |

- Drilling other than Geoscientific
- Ecological Surveys
- Excavation
- Explosive Storage
- Fuel Storage
- Topsoil, Overburden or Soil
 - fill
 - disposal
 - removal
 - storage

- spraying
- re-contouring
- Slashing and removal of vegetation
- Soil Testing
- Stream Crossing/Bridging
- Tunnelling/Underground
- Other:

NTS topographic map sheet numbers:

76C and 76D

Latitude / longitude and UTM system:

62°24'47.79"N
 65°48'0.25"N
 110°3'31.30"W
 111°16'17.70"W

Nearest community and water body:

Yellowknife, NT
 Great Slave Lake, along the Tibbitt to Contwoyto Winter Road to the Nunavut Border

Land Status (consultation information)

- Free Hold/Private
- Commissioner's/Territorial Lands
- Federal Crown Land
- Municipal Land

Transboundary/Transregional Implications

- British Columbia
- Nunavut
- Wek'èezhii
- Alberta
- National Park
- Gwich'in
- Saskatchewan
- Inuvialuit Settlement Region
- Sahtu
- Yukon

Type of transboundary implication:

- Impact / Effect
- Development

Public concern: _____
 (Describe.)

Physical - Chemical Effects

Impact

1) Ground Water

- water table alteration
- water quality changes

Mitigation

There is the potential for fuel and sewage to contaminate groundwater. The risk of spills is reduced by using proper handling, storage and disposal techniques. The impact of spills can be reduced by having an appropriate Spill Contingency Plan and spill kits in place and by training personnel in spill responses. The Spill Contingency Plan, spill reporting procedures, fuel storage practices, and waste management practices are adequate.

- infiltration changes
- other:

N/A

Impact

2) Surface Water

- flow or level changes

Mitigation

Winter road construction/maintenance may impact surface water flow and levels; however, the road being used is already an existing road and so there should be no additional impacts from this land use. The proponent's application outlines that they will remove all snow fills from stream crossings prior to spring break-up or completion of the

land use operation. Permit conditions may be proposed to mitigate surface water flow or level changes.

water quality changes

There is the potential for fuel and sewage to contaminate surface water. The risk of spills is reduced by using proper handling, storage and disposal techniques. The impact of spills can be reduced by having an appropriate Spill Contingency Plan and spill kits in place and by training personnel in spill responses. The Spill Contingency Plan, spill reporting procedures, fuel storage practices, and waste management practices are adequate.

All grey water and sewage to be disposed of in a sump if required.

water quantity changes

The withdrawal of water for camp use and winter road construction may impact local surface water quality. Water withdrawal will be minimal and under the threshold for requiring a water licence as identified in the Water Regulations.

drainage pattern changes

The construction of ice fills and ice bridges may hinder the drainage pattern. Removal all snow fills from stream crossings and V-notch ice bridges prior to spring break-up or completion of the land use operation. An abandonment and restoration plan have been submitted.

temperature

wetland changes/loss

other:

N/A

Impact
3) Noise

Mitigation

noise in/near water

There will be an increase in noise in/near water, however the impact is minimal in duration therefore, no mitigation required.

noise increase

There will be an increase in noise in the area, however the impact is minimal in duration therefore, no mitigation is required.

other:

N/A

Impact
4) Land

Mitigation

geologic structure changes

soil contamination

There is the potential for fuel and sewage to contaminate soil. The risk of spills is reduced by using proper handling, storage and disposal techniques. The impact of spills can be reduced by having an appropriate Spill Contingency Plan and spill kits in place and by training personnel in spill responses. The Spill Contingency Plan, spill reporting procedures, fuel storage practices, and waste management practices are adequate.

buffer zone loss

Winter road construction/maintenance may contribute to buffer zone loss; however, the road being used is already an existing winter road, and so there should be no additional impacts from this land use, other than a lengthened period of use. No mitigations are proposed.

soil compaction and settling

Heavy equipment and vehicle movements have the potential to increase localized soil compaction and settling.

destabilization/erosion

No deviation from the historic winter road route is planned; these routes are already disturbed.

The operation will cease prior to spring break-up.

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

The winter road has been constructed historically. No mitigation

Impact

2) Wildlife and Fish

Mitigation

- effects on rare, threatened or endangered species
- fish population changes
- waterfowl population changes
- breeding disturbance
- population reduction
- species diversity change

Water withdrawal will be minimal and under the threshold for requiring a water licence as identified in the Water Regulations.

health changes

behavioural changes

Wildlife may avoid areas of activity where equipment is being used on the winter road. The project is of a short duration, as such, these impacts will be temporary in nature.

habitat changes / effects

Wildlife may avoid areas of activity where equipment is being used on the winter road. The project is of a short duration, as such, these impacts will be temporary in nature.

game species effects

toxins/ heavy metals

Fish and wildlife exposure to emissions and fuel and oil spills is expected to be minimal. Maintaining equipment will mitigate the impacts.

forestry changes

agricultural changes

other:

N/A

Interacting Environment

Impact

Mitigation

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

Winter road construction/maintenance may contribute to the removal of a wildlife corridor or buffer zone loss; however, the road being used is already an existing winter road, and so there should be no additional impacts from this land use, other than a lengthened period of use. The project is of a short duration, as such, these impacts will be temporary in nature.

other:

N/A

Impact

Mitigation

2) Social and Economic

planning/zoning changes or conflicts

increase in urban facilities or services use

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

Impact

Mitigation

3) Cultural and Heritage

- 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

- Pursuant to Schedule 4.1 of the **Northwest Territory Métis Nation (NWTMN)** Interim Measures Agreement, the MVLWB determined that written notice was given to the NWTMN and that a reasonable period of time was allowed for NWTMN to make representations with respect to the application.
- Pursuant to subsection 1.6, paragraphs (a) and (b) of the **Akaiicho Territory Dene First Nations (ATDFN)** Interim Measures Agreement, the MVLWB determined that written notice was given to the ATDFN and that a reasonable period of time was allowed for ATDFN to make representations with respect to the Application.

Preliminary Screener / Referring Body Information

Akaitcho IMA Implementation Office
Bathurst Inlet Development Ltd.
Bathurst Inlet Lodge
BNT Gold Resources Ltd.
CanNor NWT Region
City of Yellowknife
Community Government of Behchoko
Community Government of Gameti
Community Government of Whati
Deline Got'ine Government
Deline Renewable Resources Council
Dene Nation
Deninu K'ue First Nation
Det'on Cho Corporation
Environment and Climate Change Canada
Fisheries and Oceans Canada
Fort Resolution Metis Council
Forward Mining
GLWB
GNWT - ECE
GNWT - ENR
GNWT - ENR - North Slave Region
GNWT - ENR - North Slave Region
GNWT - ENR - South Slave Region - Fort Smith
GNWT - Health
GNWT - INF
GNWT - ITI
GNWT - Lands
GNWT - Lands - Hay River Region
GNWT - Lands - North Slave Region

GNWT - Lands - South Slave Region - Fort Smith
GNWT - MACA
Golder Associates
Hamlet of Fort Resolution
INAC - CARD
INAC - NWT Inspectors
Katloodeeche First Nation
Kitikmeot Inuit Association
Lutsel K'e Dene First Nation - Chief or Wildlife, Lands and Environment
Mackenzie Valley Environmental Impact Review Board
Manitoba Denesuline
MVLWB
National Energy Board
North Slave Metis Alliance
Northwest Territory Metis Nation
NWT & Nunavut Chamber of Mines
NWT- OROGO
Salt River First Nation
Salt River First Nation
Smith's Landing First Nation
Snap Lake Environmental Monitoring Agency - SLEMA
Tlicho Government
Tlicho Lands Protection Department
Town of Fort Smith
Wek' eezhii Renewable Resources Board
Wekweeti Community Government
West Point First Nation
WLWB
Workers' Safety and Compensation
Yellowknives Dene First Nation

Reasons For Decision

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

DECISION

The Mackenzie Valley Land and Water Board (the Board) is satisfied that the preliminary screening of Application MV2019F0026, Nahanni Construction, Winter Road, Ekati Diamond Mine turn-off to the Nunavut Boarder 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.

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 the imposition of the terms and conditions in the attached Land Use Permit.

As a result, the Board, having due regard to the facts and circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and the Mackenzie Valley Land Use Regulations has decided that this Land Use Permit be issued subject to the terms and conditions contained therein.

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 to the EIRB.</i>
<input type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>

Preliminary Screening Organization

Mackenzie Valley Land and Water Board

November 8, 2019

Signatures

Mavis Cli-Michaud, Chair