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July 27, 2020

File: MV2020W0002

Mark Cliffe-Phillips
Mackenzie Valley Review Board
200 Scotia Centre
Box 938, 5102-50th Avenue,
Yellowknife NT X1A 2N7

Sent via Email

Dear Mark Cliffe-Phillips:

Re: Jean Marie River First Nation – Notice of Preliminary Screening Determination – Application for Land Use Permit – Wood or Timber Harvesting – Jean Marie River, NT

The Mackenzie Valley Land and Water Board (Board) met on July 23, 2020 and considered the Application from Jean Marie River First Nation (JMRFN) for Land Use Permit (Permit) MV2020W0002 for a Wood or Timber Harvesting Operation near the Jean Marie River community, in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board conducted a preliminary screening based on 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 Board's reasons for decision, as required by section 121 of the MVRMA, are attached.

If the Board does not receive notice of referral to environmental assessment, it can proceed with issuance of Permit MV2020W0002 on Thursday August 6, 2020.

The Board and staff look forward to continued communications throughout the pause period. Please contact Shelagh Montgomery at (867) 766-7457 with any questions or concerns regarding this letter.

Yours sincerely,

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

Mavis Cli-Michaud
MVLWB, Chair

Copied to: DehCho Distribution List

Attached: Preliminary Screening Reason for Decision

Preliminary Screening Report Form

Preliminary screener: MVLWB Reference / File number: MV2020W0002 TITLE: Woods or Timber Operation – Jean Marie River ORGANIZATION: Jean Marie River First Nation MEETING DATE: June 23, 2020	EIRB Reference number:
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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:

Jean Marie River First Nation (JRFN or Applicant) submitted an application to undertake a commercial wood/timber harvesting operation for a period of five (5) years. While the proposed operation is expected to be conducted mostly during the winter period, the possibility exists that some activities may be conducted during the winter-free months (Mid April-mid October).

Activities associated with the project are as follows:

- Field planning, to locate roads, landings, and harvesting boundaries for the purpose of satisfying relevant requirements linked to authorizations and approvals required in support of the Project;
- Construction of all-season or winter-use access roads required from the Jean Marie River community road to harvest areas;
- Mobilization and demobilization of logging equipment to and from harvest areas via transportation equipment exceeding 10 tonnes;
- Construction, maintenance, and deactivation of new roads and temporary log-storage areas; and
- Harvesting of timber with power saws, and mechanical equipment (exceeding 10 tonnes).

No accommodation camps will be constructed to support the Project as contractors will be accommodated at facilities located within Jean Marie River community. All waste generated by the Project will be backhauled to appropriately approved waste disposal facility.

Quantity	Type	Size
1	Front End Loader - 950 with forks/bucket/blade	Heavy
1	Crawler tractor - D6	Heavy
1	Feller buncher - Likely tracked; make Unknown	Heavy
1	Log Skidder - Rubber-tires, make Unknown	Heavy
1	Logging Truck - Heavy truck & trailer	Heavy
1	Hydraulic Hoe - Cat 240 on tracks	Heavy
1	Vacuum Truck - Single body heavy truck	Heavy
5	Pick-up trucks - 1 ton	Light
1	HD pick-up truck & trailer - F550 pick up & 7 tonne flat deck trailer	Light -medium
4	Slip fuel tanks - 100-135-gallon slip tanks with electric pumps, mounted on pick-up trucks.	Light
1	Enclosed Trailer - An enclosed structure on a trailer, (towed by a pick-up truck).	Light
5	Power saws - 65 cc	Light

Fuel Requirements

Fuel Type	Number of Containers	Size or Volume/Container
Diesel	1 - 4 Slip-on Fuel Tanks	450 - 600 Litres
Gasoline	2 - 3 Jugs	20 - 25 Liters
Aviation Fuel	N/A	N/A
Propane	1 - 2 Propane Tanks	20, 50, or 100 – Pound Tanks
2 - Cycle Engine Oil	2 Jugs	4 Litres

Scope:

- a) Use of equipment and vehicle;
- b) Use as well as mobile storage of fuel;
- c) Felling, hauling, and storage of logs or timber;
- d) Clearing and maintenance of access corridors; and
- e) Construction and deactivation of access roads and landings

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:

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

- | | | |
|---------------------------------------|---|--|
| <input type="checkbox"/> Construction | <input type="checkbox"/> Exploration | <input 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 checked="" type="checkbox"/> Harvesting (Logs/timber) |
| <input 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/ |
| <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 checked="" type="checkbox"/> Waste Management |
| <input checked="" type="checkbox"/> construction | <input type="checkbox"/> 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 |
| <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 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 checked="" type="checkbox"/> Drainage Alteration | <input type="checkbox"/> scarify |
| <input type="checkbox"/> Drilling other than Geoscientific | <input type="checkbox"/> spraying |
| <input type="checkbox"/> Ecological Surveys | <input type="checkbox"/> re-contouring |
| <input type="checkbox"/> Excavation | <input checked="" type="checkbox"/> Slashing and removal of vegetation |
| <input type="checkbox"/> Explosive Storage | <input type="checkbox"/> Soil Testing |
| <input type="checkbox"/> Fuel Storage | <input type="checkbox"/> Stream Crossing/Bridging |
| <input checked="" type="checkbox"/> Topsoil, Overburden or Soil | <input type="checkbox"/> Tunnelling/Underground |
| <input type="checkbox"/> fill | <input type="checkbox"/> Other: |
| <input type="checkbox"/> disposal | |
| <input checked="" type="checkbox"/> removal | |
| <input type="checkbox"/> storage | |

NTS topographic map sheet numbers:

95H Fort Simpson

Latitude / longitude and UTM system:

N 61 23' 15" to 61 24' 45"

W120 33' 33" to 120 37' 00"

Nearest community and water body:

Jean Marie River/ Mackenzie River

MV2020W0002 – Jean Marie River First Nation – New Land Use Permit

Land Status (consultation information)

- Free Hold/Private
- Commissioner's/Territorial Lands
- Federal 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

There is potential for changes in infiltration rate due to compaction caused by movement of heavy equipment. While this may be unavoidable given the nature of the Project, potential impact can be minimized by ensuring that equipment travel mostly on established paths/roads and do not unnecessarily disturb areas not being harvested.

other:

N/A

Impact Mitigation

2) Surface Water

- flow or level changes
- water quality changes
- water quantity changes
- drainage pattern changes

The Project could impact surface water quality in areas being harvested. The extent of potential impact depends on many factors including proximity of surface water bodies to harvest areas, soil type, etc. This potential impact could be minimised by implementing best practices and effective overall site management.

Harvesting of trees could potentially impact the drainage pattern of areas being harvested due to increased soil exposure from reduction in tree coverage. The extent of potential impact depends on many factors including proximity of surface water bodies to harvested areas, soil type, drainage pattern, topography, etc. This potential impact could be minimised by implementing best practices and effective site management

temperature

wetland changes/loss

other:

Jean Marie River is greater than 60 metres from any boundaries (As per Commercial Timber Harvest Planning & Operations SOP's Manual (ENR) – See Imagery map and Section & detailed description.

N/A

Impact Mitigation

3) Noise

- noise in/near water

noise increase

There will be short-term disturbance during logging.

Most of the equipment used for the project would likely be new so the noise levels may be lower than if old equipment is used.

other:

N/A

Impact
4) Land

Mitigation

geologic structure changes

soil contamination

There is no on-site fuel storage. A spill contingency plan is developed; Fueling only from roads or landings.

All fuels must be stored more than 100 metres from the ordinary high-water mark.

The spill contingency Plan will help to minimize the effect of potential spills.

buffer zone loss

soil compaction and settling

Reclamation of roads/landings, per the Annual Operating Plan. Most operations will occur during the winter months.

destabilization/erosion

Ditching will be installed as required

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

Interim change of trees and vegetation from a mature forest to an early seral stage. Native trees and vegetation will regenerate naturally.

Potential impacts can be minimized by application of any wildlife mitigation and monitoring measures imposed by the Board, and application of any wildlife mitigation and monitoring measures outlined in the Proponent's authorization, application, and supporting documents

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

Impact

2) Wildlife and Fish

- effects on rare, threatened or endangered species

Mitigation

Boreal Caribou. "Threatened". The forest will mature over time, similarly to after a fire.

If boreal caribou are observed within the harvesting area, activities should be temporarily delayed or suspended, and the caribou should be given the opportunity to move off site prior to work commencing or continuing.

Road construction, tree felling, skidding, merchandizing, and debris piling activities during snow-free month should be avoided to prevent the disturbance of boreal caribou during pre-calving and calving season (April 1st-June 30th). Activities scheduled during snow-free months should involve the consultation of The Manager, Wildlife Research and Monitoring,

- fish population changes

No water bodies on site.

- waterfowl population changes

- breeding disturbance

- population reduction

- species diversity change

- health changes

- behavioural changes

- habitat changes / effects

After logging, changes from a seral state back to a mature forest over time. Seral habitat species will benefit initially, as the are returns to mature forest

- game species effects

- toxins/ heavy metals

- forestry changes

After harvesting, natural reforestation will occur.

- agricultural changes

- other:

- N/A

Interacting Environment

Impact

1) Habitat and Communities

- predator-prey

- wildlife habitat/ecosystem composition changes

Mitigation

See above habitat and vegetation comments

The Proponent should conduct pre-activity surveys within 800 m of the project footprint to identify active bear dens if project activities will occur between September 30 and March 30.

Surveys should be conducted in the fall to detect freshly dug dens.

If an active bear den is detected, or suspected, the Proponent should implement and maintain an 800 m exclusion zone until the bear emerges in spring.

If encountered, beaver lodges, muskrat push-ups, and hibernacula are not disturbed or damage.

- reduction/removal of keystone or endangered species
- removal of wildlife corridor or buffer zone
- 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

The JMR Road has a LUP. Discussion with Infrastructure officials. See Engagement Plan.

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

JMRFN have been logging & milling since 1930 to provide economic benefits.

ENR recommends harvesting areas farther from the community access road earlier in the winter, and areas closer to the community access road during snow free season if operations cannot be avoided during the snow free season

other:

N/A

- Pursuant to section 27, paragraphs (a) and (b) of the **Dehcho First Nations** (DCFN) Interim Measures Agreement, the MVLWB has determined that written notice was given to the DCFN, and that a reasonable period of time was allowed for DCFN to make representations with respect to the application.

Preliminary Screener / Referring Body Information

Acho Dene Koe First Nation	Liard First Nation (Yukon)
Canadian Northern Economic Development Agency - NWT Region	Liidlil Kue First Nation (Ft Simpson)
CIRNAC - Inspector	Mackenzie Valley Environmental Impact Review Board
CIRNAC - Yellowknife	MVLWB
CIRNAC-CARD	Naha Dehe Dene Band
Deh Cho Land Use Planning Committee	North Slave Metis Alliance
Deh Gah Got'ie Dene Council	Northwest Territory Metis Nation
Dehcho First Nations	NWT- OROGO
Dene Nation	Pehdzeh Ki First Nation (Wrigley)
Dene Tha' First Nation	Ross River Dena Council
Deninu K'ue First Nation	Sambaa Ke First Nation (Trout Lake)
Digaa Enterprises Ltd.	Snap Lake Environmental Monitoring Agency (SLEMA)
Environment and Climate Change Canada	Tlicho Government
Fisheries and Oceans Canada	Tlicho Lands Protection Department
Fort Providence Metis Council #57	Town of Hay River
Fort Providence Resource Management Board	Transport Canada
Fort Simpson Metis Local 52	Ttshets'ek'ehdeli First Nation (JMR)
Forward Mining	Wek' eezhii Renewable Resources Board
GLWB	West Point First Nation
GNWT - ENR (Environment and Natural Resources)	WLWB
GNWT - ENR - Deh Cho Region	Wood
GNWT - ENR – EAM (Environmental Assessment and Monitoring)	GNWT - Lands - Dehcho Region
GNWT - ENR - North Slave Region	GNWT - Lands - North Slave Region
GNWT - ENR - South Slave Region - Fort Smith	GNWT - Lands - South Slave Region - Fort Smith
GNWT - Executive and Indigenous Affairs	GNWT - MACA (Municipal and Community Affairs)
GNWT - HSS (Health and Social Services)	GNWT - PPCA (Policy, Planning, Communications and Analysis (w/in ITI))
GNWT - INF (Infrastructure)	GNWT - PWNHC (Prince of Wales Northern Heritage Centre (w/in ECE))
GNWT - ITI (Industry, Tourism and Investment)	Hamlet of Fort Liard
GNWT - Lands	

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 MV2020W0002, Jean Marie River First Nation, Wood or Timber Harvesting Operations, Jean Marie River Area, 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 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 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

July 23, 2020

Signature

Mavis Cli-Michaud, Chair