



7th Floor – 4922 48th Street
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Tel: 867-669-0506 Fax: 867-873-6610
www.mvlwb.com

June 11, 2021

File: MV2021F0007

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

Sent by email

Dear Mark Cliffe-Phillips,

Re: City of Yellowknife– Notice of Preliminary Screening Determination – Application for Land Use Permit – Road – Yellowknife, NT

The Mackenzie Valley Land and Water Board (Board) met on June 10, 2021 and considered the Application from the City of Yellowknife for Land Use Permit (Permit) MV2021F0007 for the access Road construction (Project) 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 Preliminary Screening Determination and Reasons for Decision, as required by section 121 of the MVRMA, is attached.

If the Board does not receive notice of referral to environmental assessment, it can proceed with issuance of Licence MV20201L1-0001 on **Thursday June 24, 2021**.

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,



Mavis Cli-Michaud

Chair, Mackenzie Valley Land and Water Board

BCC'd to: Akaitcho Distribution List
Maddison Warren, City of Yellowknife

Attached: Preliminary Screening Determination and Reasons for Decision



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Preliminary Screening Determination and Reasons for Decision

Issued pursuant to section 121 of the *Mackenzie Valley Resource Management Act* (MVRMA)

Water Licence Application Preliminary Screening	
Preliminary Screener	MVLWB
Reference/File Number	MV2021F0007
Company	City of Yellowknife
Project	Yellowknife, NT
Date of Decision	June 10, 2021

These Reasons for Decision set out the Mackenzie Valley Land and Water Board's (the Board or MVLWB) decision on the preliminary screening of a Type A Land Use Permit Application made by the City of Yellowknife to the Board on April 26, 2021 for Land Use Permit (Permit) MV2021F0007.

1.0 Project Summary

The City of Yellowknife has applied for a Permit to repair and construct, repair, and maintain an access road to the control structure associated with the dyke. The access road is intended to use during construction and for future inspections of the dyke.

The dyke repair has been submitted under the Water Licence MV2009L3-0003 held by the City of Yellowknife.

The term requested is five years.

2.0 Scope of Preliminary Screening

2.1 Scope

- Use of equipment;
- Use of self-propelled earths moving equipment; and
- Construction, maintenance and operation of a road.

2.2 Principal Activities

- Linear/Corridor

2.3 Principal Development Components

- Access Road
 - Construction
 - Modification
- Automobile, Aircraft or Vessel Movement
 - Disposal of Hazardous Waste

2.4 NTS topographic map sheet number

085B13

2.5 Latitude / longitude and UTM system

Latitude – 62.460639 – 62.463011

Longitude – 114.514306 – 114.516583

2.6 Nearest community and water body

City of Yellowknife, Trappers Lake, NT

2.7 Land Status

Territorial Land

2.8 Transboundary/Transregional Implications

None

3.0 Public Review

- April 26, 2021 – Application received;
- April 30, 2021 – Application deemed complete and review commenced;
- May 20, 2021 – Comments and recommendations due and received;
- May 27, 2021 – Responses due; and
- June 10, 2021 – Application presented to the Board for decision.

4.0 Preliminary Screener / Referring Body Information

The Type A Land Use Permit Application was distributed to the Distribution List for public review on the Board's Online Review System (ORS). As part of the public review, comments and recommendations to assist with the Board's preliminary screening determination were requested. No Comments were received.

4.1 Potential Impacts and Mitigations Table

ABIOTIC COMPONENTS			
Land			
Potential Impacts	Activity		Potential Project Impacts and Proposed Mitigations
<ul style="list-style-type: none"> • Soil compaction • Destabilization/erosion • 	Clearing of timber, brush, or vegetation mat	X	Construction equipment/construction activities may compact soil. Use of access road will aid in limiting the affected area to the access road and the dyke
	Use of motorized and heavy equipment	X	Cuts/fills will occur for construction. Engineer approved design along with future inspections will ensure that destabilization/erosion is not a concern.
Water			
Groundwater			
Permafrost			
Surface Water			
Potential Impacts	Activity		Potential Project Impacts and Proposed Mitigations
<ul style="list-style-type: none"> • Drainage pattern changes • Changes in water quality 	Construction and use of a watercourse crossing (bridge, ford)	X	Temporary water quality changes may occur during construction. Sediment control measures will be taken to ensure fish habitat is protected. DFO is performing a review of the project to determine if other measures are required.
	Watercourse alteration (ditch construction, channelling, training, installation of culvert)	X	Temporary water quality changes may occur during construction. Sediment control measures will be taken to ensure fish habitat is protected. DFO is performing a review of the project to determine if other measures are required.
Air			
BIOTIC COMPONENTS			
Vegetation			
Potential Impacts	Activity		Potential Project Impacts and Proposed Mitigations
<ul style="list-style-type: none"> • Direct loss of vegetation • Effects on plant health (dust, 	Construction (development or alteration: widening, straightening, detours),	X	Vegetation along the new access road and the dyke area will be removed during construction activities. Care will be taken

metals, toxins)	maintenance, and operation of lines, trail, or rights-of-way		to ensure as little vegetation is affected as possible with limits of construction being clearly marked.
	Use of motorized and heavy equipment	X	Temporarily increased levels of sediments may occur during construction. Sediment control measures will be in place to protect fish habitat
Terrestrial Wildlife Habitat			
Potential Impacts	Activity		Potential Project Impacts and Proposed Mitigations
<ul style="list-style-type: none"> Human-wildlife conflicts 	Other	X	Wildlife may be present during construction. Wildlife safety practices such as not working alone, creating noise, and carrying bear bangers/bear spray will be required on site.
Aquatic Habitat			
Potential Impacts	Activity		Potential Project Impacts and Proposed Mitigations
<ul style="list-style-type: none"> Other 	Other	X	DFO is performing a review of the project to ensure aquatic life is not impacted by this project. All work will be at a small section of shoreline and is not expected to have a substantial impact on aquatic life. Sediment and erosion control measures will be in place
CULTURAL COMPONENTS			
Wildlife Harvesting			
Cultural Integrity and Heritage Resources			
Social and Economic Well-being			
Potential Impacts	Activity		Potential Project Impacts and Proposed Mitigations
<ul style="list-style-type: none"> Economic opportunities or losses (employment training) Changes to the use of the area by other non-Indigenous people (e.g. trappers, outfitters, residents, hunters, forest harvesters, other authorized projects) 	Construction (development or alteration: widening, straightening, detours), maintenance and operation of lines, trails, or rights-of-way	X	<p>The access road will be built to minimize the effect on the surrounding area, will be left with a gravel surface, and have a locked gate at the entrance off Highway 3 in order to discourage vehicular use.</p> <p>Local consultant has performed engineering work, and local contractor will complete construction work</p>

5.0 Preliminary Screening Decision

The Board is satisfied that the preliminary screening of City of Yellowknife Type A Land Use Permit MV2021F0007 for the Access Road Separator has been completed in accordance with section 125 of the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board determined that written notice was given and that a reasonable period of time was allowed to make representations with respect to the Application. 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, specifically, Schedule 4.1 of the **Northwest Territory Métis Nation** (NWTMN) Interim Measures Agreement and subsection 1.6, paragraphs (a) and (b) of the **Akaiicho Territory Dene First Nations** (ATDFN) Interim Measures Agreement, 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 any impacts of the development on the environment can be mitigated through the imposition of the terms and conditions in the Water Licence approved by the Board.

6.0 Conclusion

Land Use Permit MV2021F0007 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA and the Regulations made thereunder, and to provide appropriate safeguards in respect of City of Yellowknife's use of land.

SIGNATURE

Mackenzie Valley Land and Water Board



Mavis Cli-Michaud, Chair

June 10, 2021

Date

Appendix A

Table 1. Organizations included in the Distribution List for the Public Review of Type A Land Use Permit Application

Akaitcho IMA Implementation Office	GNWT - Lands - South Slave Region - Fort Smith
Bathurst Inlet Development Ltd.	GNWT - MACA (Municipal and Community Affairs)
Bathurst Inlet Lodge	GNWT - PPCA (Policy, Planning, Communications and Analysis (w/in ITI))
Canadian Northern Economic Development Agency – NWT Region	GNWT - PWNHC (Prince of Wales Northern Heritage Centre (w/in ECE))
CIRNAC - Inspector	Golder Associates
CIRNAC-CARD	Hamlet of Fort Resolution
City of Yellowknife	Katlocheeche First Nation
Dene Nation	Lutsel K'e Dene First Nation - Chief or Wildlife, Lands and Environment
Deninu K'ue First Nation	Mackenzie Valley Environmental Impact Review Board
Det'on Cho Corporation	MVLWB
Environment and Climate Change Canada	North Slave Metis Alliance
Fisheries and Oceans Canada	Northwest Territory Metis Nation
Fort Resolution Metis Government	NWT & Nunavut Chamber of Mines
Forward Mining	NWT- OROGO
Ghotelnene K'odtineh Dene (Manitoba Denesuline)	Rover Metals Corp.
GNWT - ENR (Environment and Natural Resources)	Salt River First Nation
GNWT - ENR - EAM (Environmental Assessment and Monitoring)	Smith's Landing First Nation
GNWT - ENR - North Slave Region	Snap Lake Environmental Monitoring Agency (SLEMA)
GNWT - ENR - South Slave Region - Fort Smith	Tlicho Government
GNWT - Executive and Indigenous Affairs	Tlicho Lands Protection Department
GNWT - HSS (Health and Social Services)	Town of Hay River
GNWT - INF (Infrastructure)	Wek' eezhii Renewable Resources Board
GNWT - ITI (Industry, Tourism and Investment)	West Point First Nation
GNWT - Lands	WLWB
GNWT - Lands - Hay River Region	Wood
GNWT - Lands - North Slave Region	Yellowknives Dene First Nation