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June 25, 2021

File: MV2021F0007

Maddison Warren
City of Yellowknife
Box 580
Yellowknife NT X1A2N4

Sent by email

Dear Maddison Warren,

Re: City of Yellowknife – Issuance Package – Land Use Permit MV2021F0007 – Road – Yellowknife, NT

The Mackenzie Valley Land and Water Board met on June 10, 2021 and considered the Application Package from the City of Yellowknife for Land Use Permit (Permit) MV2021F0007 for the Road (Private) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

Land Use Permit MV2021F0007 (attached) has been granted for a term of five years, effective June 25, 2021 and expiring June 26, 2026, and is supported by the Board's Reasons for Decision. These documents are posted to the Board's Public Registry.¹

The Board's decisions on submissions that were considered in conjunction with the Application Package are set out below.

Management Plans – Approved

The Board has approved the following Plans:

| Condition Number and Title | Title of Plan (Version) |
|-----------------------------|------------------------------------------|
| #29, Spill Contingency Plan | Spill Contingency Plan (V1) ² |
| #39, Engagement Plan | Engagement Plan (V1) ³ |

Inspectors

The Inspectors referred to in the Permit can be contacted at the regional GNWT-Lands offices.⁴

¹ See MVLWB Online Registry www.mvlwb.com for [MV2021F0007](#)

² See MVLWB Online Registry for Spill Contingency Plan – Version 1 – April30_21 ([hyperlink](#)).

³ See MVLWB Online Registry for City of Yellowknife - Engagement Plan – Version 1– April27_21 ([hyperlink](#)).

Permit Processes and Additional Information

Sections 5 and 6 of the Board's *Guide to the Land Use Permitting Process*⁵ (Guide) contain detailed information on permit enforcement and potential post-issuance processes, such as amendments to conditions, and assignment to another company. Please be familiar with these sections of the Guide and reach out to Board staff with any questions about Board processes related to the Permit.

Full cooperation of the City of Yellowknife is anticipated and appreciated. Please contact Erica Janes at (867) 766-7466 with any questions or concerns regarding this letter.

Yours sincerely,



Mavis Cli-Michaud
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Akaitcho List
Madison Warren, City of Yellowknife
Brandon Bradbury – Inspector, GNWT-Lands
Patti Nightingale, GNWT-Lands

Attached: Land Use Permit [MV2021F0007]
Reasons for Decision

⁴ See GNWT-Lands Inspection and Enforcement webpage (<https://www.lands.gov.nt.ca/en/services/inspections-and-enforcement>) for regional contact information.

⁵ See MVLWB Policies and Guidelines webpage for MVLWB [Guide to the Land Use Permitting Process](#) (2020).



Land Use Permit

| | | |
|--------------|-------------|--------------|
| Permit Class | Permit No | Amendment No |
| A | MV2021F0007 | |

Subject to the Mackenzie Valley Land Use Regulations and the terms and conditions in this Permit, authority is hereby granted to:

City of Yellowknife

Permittee

to proceed with the land use operation described in the Application of:

| | |
|----------------------------------------------|------------------------|
| Signature Madison Warren | Date April 23, 2021 |
| Type of Land Use Operation Road (Private) | |
| Location Yellowknife, NT | |

This Permit may be assigned, extended, discontinued, suspended, or cancelled pursuant to the Mackenzie Valley Land Use Regulations.

Dated at Yellowknife this 25 day of June, 2021

Signature Chair

Signature Witness

Mavis Cli-Michaud

Amanda Gauthier

Effective Date:

Expiry Date:

June 25, 2021

June 24, 2026

ATTENTION

It is a condition of this Permit that the Permittee comply with the provisions of the *Mackenzie Valley Resource Management Act* and Regulations and the terms and conditions set out herein. A failure to comply may result in suspension or cancellation of this Permit.

Conditions Annexed to and Forming Part of Land Use Permit # MV2021F0007

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Use of equipment;
 - b) Use of self-propelled earths moving equipment; and
 - c) Construction, maintenance and operation of a road
2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial or Municipal laws.

Part B: Definitions (defined terms are capitalized throughout the Permit)

Act - the *Mackenzie Valley Resource Management Act*.

Board - the Mackenzie Valley Land and Water Board established under Part 4 of the Act.

Closure and Reclamation - the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

Dogleg - the clearing of a line, trail, or right-of-way that is curved sufficiently so that no part of the clearing beyond the curve is visible when approached from either direction.

Engagement Plan - a document, developed in accordance with the Board's *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the project.

Habitat - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

Inspector - an Inspector designated by the Minister under the Act.

Minister - the Minister of Indian Affairs and Northern Development Canada or the Minister of the Government of the Northwest Territories – Department of Lands, as the case may be.

Permittee - the holder of this permit.

Progressive Reclamation - Closure and Reclamation activities conducted during the operating phase of the project.

Secondary Containment - containment that prevents liquids that leak from Fuel Storage Tanks or containers from reaching outside the containment area and includes double-walled Tanks, piping, liners, and impermeable barriers.

Spill Contingency Plan - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada's *Guidelines for Spill Contingency Planning* that describes the set of procedures to be implemented to minimize the effects of a spill.

Toxic Material - any substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- b) Constitutes or may constitute a danger to the environment on which life depends; or
- c) Constitutes or may constitute a danger in Canada to human life or health.

Waste - any garbage, debris, chemical, or Toxic Material to be used, stored, disposed of, or handled on land, and also as defined in section 51 of the Act.

Watercourse - a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches but does not include groundwater.

Part C: Conditions Applying to All Activities (headings correspond to subsection 26(1) of the Mackenzie Valley Land Use Regulations)

26(1)(a) Location and Area

- | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 1. | The Permittee shall only conduct this land-use operation on lands designated in the application. | LOCATION OF ACTIVITIES |
| 2. | The Permittee shall not conduct any part of the land-use operation within 300 metres of any privately owned or leased land or structures, including cabins used for traditional activities, unless otherwise approved by the Board. | PRIVATE PROPERTY SETBACK |
| 3. | The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used. | PARALLEL ROADS |
| 4. | The Permittee shall confine the width of the right-of-way to a maximum of 14 metres. | WIDTH RIGHT-OF-WAY |
| 5. | Prior to the commencement of the land-use operation, the Permittee shall accompany an Inspector during an inspection of the proposed land use area. | INSPECT LOCATIONS |

26(1)(b) Time

- | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| 6. | At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) 767-9188 | INITIAL NOTIFICATION – CONTACT INSPECTOR |
| 7. | At least 48 hours prior to returning to the worksite following a seasonal Shut Down Period, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) 767-9188. | SEASONAL NOTIFICATION – CONTACT INSPECTOR |
| 8. | At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector: <ul style="list-style-type: none"> a) the name(s) of the person(s) in charge of the field operation; b) alternates; and c) all methods for contacting the above person(s). | IDENTIFY AGENT |
| 9. | At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: <ul style="list-style-type: none"> a) the plan for removal or storage of equipment and materials; b) when final cleanup and reclamation of the land used will be completed; and c) when the Final Plan will be submitted. | REPORTS BEFORE FINAL REMOVAL |

26(1)(c) Type and Size of Equipment

10. The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application. **USE APPROVED EQUIPMENT**

26(1)(d) Methods and Techniques

11. The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads. **DOGLEG APPROACHES**

26(1)(e) Type, Location, Capacity, and Operation of All Facilities

12. The Permittee shall ensure that the land use area is kept clean at all times. **CLEAN WORK AREA**

26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land

13. The Permittee shall install and maintain culverts such that scouring does not occur. **CULVERT SIZE**

14. The land-use operation shall not cause obstruction to any natural drainage. **NATURAL DRAINAGE**

15. The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses. **PROGRESSIVE EROSION CONTROL**

16. The Permittee shall apply appropriate mitigation at the first sign of erosion. **REPAIR EROSION**

17. The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface. **PREVENTION OF RUTTING**

18. The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector. **STREAM BANKS**

19. The Permittee shall minimize approach grades on all Watercourse crossings. **MINIMIZE APPROACH**

26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material

20. The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility. **WASTE PETROLEUM DISPOSAL**

26(1)(h) Wildlife and Fish Habitat

21. The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. **HABITAT DAMAGE**

26(1)(j) Storage, Handling, and Disposal of Refuse or Sewage

22. The Permittee shall keep all garbage and debris in a secure container until disposal. **GARBAGE CONTAINER**

26(1)(j) Protection of Historical, Archaeological, and Burial Sites

23. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. **SITE DISTURBANCE**

24. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: **SITE DISCOVERY AND NOTIFICATION**

- a) immediately suspend operations on the site; and
- b) notify the Board at (867) 669-0506 or an Inspector at (867) 767-9188, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.

26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value

Intentionally left blank

26(1)(l) Security Deposit

25. All costs to remediate the area under this Permit are the responsibility of the Permittee. **RESPONSIBILITY FOR REMEDIATION COSTS**

26(1)(m) Fuel Storage

26. The Permittee shall set up all refueling points with Secondary Containment. **SECONDARY CONTAINMENT – REFUELING**

27. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. **FUEL CONTAINMENT**

28. The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours. **FUEL ON LAND**

29. The Permittee shall comply with the **Spill Contingency Plan**, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. **SPILL CONTINGENCY PLAN**

30. Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills. **SPILL RESPONSE**

31. All equipment that may be parked for two hours or more, shall have a haz-mat/drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately. **DRIP TRAYS**

32. The Permittee shall clean up all leaks, spills, and contaminated material immediately. **CLEAN UP SPILLS**

33. During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: **REPORT SPILLS**

- a) implement the approved Spill Contingency Plan;
- b) report it-immediately using the NU-NT Spill Report Form by one of the following methods:
 - Telephone: (867) 920-8130
 - Fax: (867) 873-6924
 - E-mail: spills@gov.nt.ca
 - Online: Spill Reporting and Tracking Database
- c) within 24 hours, notify the Board and an Inspector; and
- d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur.

26(1)(n) Methods and Techniques for Debris and Brush Disposal

34. The Permittee shall not clear areas larger than identified in the complete application. **MINIMIZE AREA CLEARED**

26(1)(o) Restoration of the Lands

35. Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used. **FINAL CLEANUP AND RESTORATION**

36. Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation. **NATURAL VEGETATION**

37. The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so. **PROGRESSIVE RECLAMATION**

26(1)(p) Display of Permits and Permit Numbers

38. The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation. **COPY OF PERMIT**

26(1)(q) Biological and Physical Protection of the Land

39. The Permittee shall comply with the **Engagement Plan**, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. **ENGAGEMENT PLAN**

40. If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board's direction and re-submit it to the Board for approval.
41. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.

RESUBMIT PLAN

**SUMMARY OF
CHANGES**



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P.O. Box 2130, Yellowknife NT X1A 2P6

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Reasons for Decision

Issued pursuant to paragraph 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR)

| Land Use Permit Application | |
|-----------------------------|---------------------|
| 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 an Application made by the City of Yellowknife (City) to the Board on April 23, 2021 for Land Use Permit (Permit) MV2021F0007.

1.0 Background

The City of Yellowknife has applied for a Permit to repair and construct and 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 Water Licence MV2009L3-0003 held by the City of Yellowknife.

The term requested is five years.

2.0 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.

3.0 Management Plans

A Spill Contingency Plan, and Engagement Plan were included with the Application.

4.0 Security

It has been Board practice to not require security for a land use permit when the applicant is a municipality. The Board did not require security to be posted for permits MV2018X0015 or MV2019X0013, issued to the City for drilling projects for monitoring.

5.0 Decision

In rendering its decision, the Board is satisfied that:

- notice of the Application was given in accordance with sections 63 and 64 of the MVRMA. The Board is satisfied that a reasonable period of notice was given to communities and First Nations so comments could be provided to the Board;
- the development has been screened pursuant to the MVRMA;
- any potential adverse environmental effects are insignificant or mitigable with known technology; and,
- there is no likelihood that the proposed development might be a cause of public concern.

After reviewing the evidence and submissions of the City of Yellowknife, the written comments and submissions received by the Board and the Staff Report prepared for the Board, the Board, having due regard to the facts, circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and Regulations made thereunder, has determined that Land Use Permit MV2021F0007 be issued subject to the term, scope, definitions, and conditions contained therein. The Board's determinations and reasons for this decision are set out below.

- The Board is satisfied that appropriate consultation has been conducted and that advice has been sought and considered, in accordance with sections 63 and 64 of the MVRMA.
- The use of land proposed by the City of Yellowknife is of a nature contemplated by the MVRMA.
- The operation will likely contribute to the socio-economic well-being and economic development of the region.
- The Board has reviewed the information contained in the May 21, 2021 Staff Report regarding environmental impacts and/or public concerns.
- The scope of the Permit ensures the City of Yellowknife is entitled to conduct activities which have been applied for and screened by the Board. In setting the scope, the Board endeavored to provide enough detail to identify and describe the authorized activities without being unduly restrictive or prescriptive, and to allow for project flexibility throughout the life of the Permit.
- The conditions set forth in the Permit have been imposed to address the Board's statutory responsibilities and ensure the land-use operation is conducted in a manner which ensures impacts to surrounding lands and waters are minimized.
- The Board has approved the Spill Contingency Plan Version 1 and Engagement Plan Version 1 because they meet the applicable guidelines and sufficiently reflect the scope of the proposed activities.
- The definitions and conditions in the Permit are from the MVLWB's *Standard Land Use Permit Conditions Template* (Standard Template), and are not discussed in detail in these reasons unless

notable due to recommendations or concerns raised by reviewers. After considering the information gathered through the public review, the Board made the following changes, with rationale, to the conditions:

| Condition | Change | Rationale |
|--------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Private Property Setback | Changed | To include a distance of 300m. |
| Width Right of Way | Changed | As the design drawings indicate that the right of way is to be larger than 10m, the condition has been updated to reflect the distance in the design drawing. |
| Dogleg Approaches | Added | Inspector recommendation to include the condition to reduce the line of sight from Highway #3. |

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 the City of Yellowknife's use of the land affected by the Permit.

SIGNATURE

Mackenzie Valley Land and Water Board



Mavis Cli-Michaud, Chair

June 10, 2021

Date