



7th Floor - 4922 48th Street
PO Box 2130, Yellowknife NT X1A 2P6

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www.mvlwb.com

July 8, 2024

File: MV2024X0011

Tim Morton
Manager – Environmental Impact and Regulatory Affairs
City of Yellowknife
4807 – 52nd Street, P.O. Box 580
Yellowknife NT X1A 2N4

Sent by email

Dear Tim Morton,

Re: City of Yellowknife Geotechnical Investigations – Issuance Package – Land Use Permit MV2024X0011

The Mackenzie Valley Land and Water Board (Board) met on June 20, 2024 and considered the Application Package from the City of Yellowknife for Land Use Permit (Permit) MV2024X0011 for Yellowknife Geotechnical Investigations (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board has approved Land Use Permit MV2024X011 (attached) for a term of five years, effective July 8, 2024, and expiring July 7, 2029. The Permit is supported by the Board's Reasons for Decision. These documents are posted to the Board's Public Registry.¹

Submission Requirements

Please refer to Attachment A of the Permit for a complete summary and timetable of submissions required for the Permit. The Board's decisions on submissions that were considered in conjunction with the Application Package are set out below.

¹ See MVLWB Online Registry www.mvlwb.com for [MV2024X0011](#)

Management Plans – Approved

The Board has approved the following Plans, which were submitted as part of the Application:

Condition Number and Title	Title of Plan (Version)
22 - WASTE MANAGEMENT PLAN	As per accepted application
34 - SPILL CONTINGENCY PLAN	Spill Contingency Plan (V.1.0) ²
41 - CLOSURE AND RECLAMATION PLAN	As per accepted application
44 - ENGAGEMENT PLAN	Engagement Plan (V.1.0) ³

Inspectors

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

Permit Processes and Additional Information

Sections 5 and 6 of the Land and Water Board (LWB) *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 LWB processes related to the Permit.

Full cooperation of the City of Yellowknife is anticipated and appreciated. Please contact Andrea Cleland via [email](#) or at (867) 867-766-7472 with any questions or concerns regarding this letter.

Yours sincerely,



Tanya MacIntosh,
Chair, Mackenzie Valley Land and Water Board

BCC'd to: MVLWB City of Yellowknife Distribution List
Clint Ambrose Inspector, GNWT-ECC
Rick Walbourne – Director, Regulatory and Permitting, GNWT-ECC

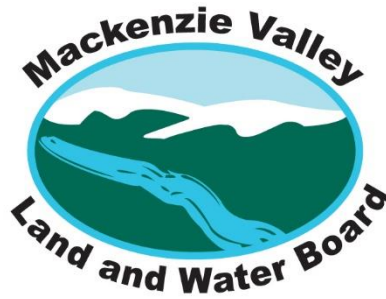
Attached: Land Use Permit MV2024X0011
Reasons for Decision

² See MVLWB Online Registry for [City of YK - Geotechnical Investigations - Spill Contingency Plan - Apr29 24](#)

³ See MLWB Online Registry for [City of YK - Geotechnical Investigations - Engagement Plan - Apr29 24](#)

⁴ See GNWT-ECC Regional Offices webpage (<https://www.ecc.gov.nt.ca/en/regional-offices>) for regional contact information.

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



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Land Use Permit MV2024X0011

Pursuant to the *Mackenzie Valley Resource Management Act* and Mackenzie Valley Land Use Regulations, the Mackenzie Valley Land and Water Board grants this Land Use Permit to:

The City of Yellowknife
(Permittee)

of _____
4807 – 52nd Street, P.O. Box 580, Yellowknife, NT X1A 2N4
(Mailing Address)

hereinafter called the Permittee, to proceed with the following land-use operation, subject to the annexed definitions and conditions contained therein:

Location:	City of Yellowknife
Purpose:	Geotechnical Investigations
Type:	Type A
Effective Date:	July 8, 2024
Expiry Date:	July 7, 2029

Handwritten signature of Tanya MacIntosh in blue ink.

Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

Handwritten signature of Amanda Gauthier in black ink.

Amanda Gauthier, Witness

Conditions Annexed to and Forming Part of Land Use Permit # MV2024X0011

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Use of Drills;
 - b) Use of vehicles, machines, and equipment; and
 - c) Reclamation of associated activities.
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, Deline, Tłıchǫ, or Municipal laws.

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

Act - the *Mackenzie Valley Resource Management Act*.

Archaeological Impact Assessment - archaeological research as defined by the Prince of Wales Northern Heritage Centre *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories*.

Archaeological Overview - a study of archaeological sites as defined by the Prince of Wales Northern Heritage Centre *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories*.

Board – the Wek'èezhìi Land and Water Board established under Part 3 of the Act.

Borehole - a hole that is made in the surface of the ground by drilling or boring.

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.

Drilling Fluid - any liquid mixture of water, sediment, drilling muds, chemical additives or other wastes that are pumped down hole while drilling and are specifically related to drilling activity.

Drilling Waste - all materials or chemicals, solid or liquid, associated with drilling, including drill cuttings and Drilling Fluids.

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 Environment and Climate Change, as the case may be.

Ordinary High-Water Mark - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the “active channel/bank-full level” which is often the 1:2 year flood flow return level. In inland lakes, wetlands, or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

Permittee - the holder of this permit.

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

Safety Data Sheet - a technical document, typically written by the manufacturer or supplier of a chemical, that provides information about the hazards associated with the product, advice about safe handling and storage, and emergency response procedures.

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.

Sewage - all toilet wastes and Greywater.

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.

Waste Management Plan - a document, developed in accordance with the Board’s Guidelines for Developing a Waste Management Plan, that describes the methods of Waste management from Waste generation to final disposal.

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)

Condition	Category
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. Prior to the commencement of drilling, the Permittee shall submit the target areas and drill hole locations on a 1:50,000-scale map with coordinates and map datum to the Board and an Inspector.	DRILL LOCATIONS
26(1)(b) Time	
3. 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
4. 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: 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
5. At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: 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	
6. 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 <i>Intentionally left blank.</i>	
26(1)(e) Type, Location, Capacity, and Operation of All Facilities	
7. 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

8. The Permittee shall, where flowing water from a Borehole is encountered: **FLOWING ARTESIAN WELL**
 a) plug the Borehole in such a manner as to permanently prevent any further outflow of water; and
 b) immediately report the occurrence to the Board and an Inspector.

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

10. The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. **VEHICLE MOVEMENT FREEZE-UP**

11. The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging. **SUSPEND OVERLAND TRAVEL**

12. The Permittee shall not excavate land within 100 metres of the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. **EXCAVATION SETBACK**

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

13. At least seven days prior to the use of any chemicals that were not identified in the complete application, the Safety Data Sheets must be provided to the Board and an Inspector. **CHEMICALS**

14. When drilling within 100 metres of the Ordinary High Water Mark of any Watercourse, and when drilling on ice, the Permittee shall contain all drill water and Drilling Waste in a closed circuit system for reuse, off-site disposal, or deposit into a land-based Sump or natural depression. **DRILLING NEAR WATER OR ON ICE**

15. The Permittee may deposit Drilling Waste that does not contain Toxic Material in a Sump. Any Sumps or natural depressions used to deposit Drilling Waste must be located at least 100 metres from the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. **DRILLING WASTE**

16. The Permittee shall remove all Drilling Waste containing Toxic Material to an approved disposal facility. **DRILLING WASTE DISPOSAL**

17. The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses. **DRILLING WASTE CONTAINMENT**

18. The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan. **WASTE CHEMICAL DISPOSAL**

19. 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

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

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

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

22. The Permittee shall dispose of all waste and debris as described in the accepted Application. **WASTE MANAGEMENT PLAN**

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

23. The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground. **ARCHAEOLOGICAL BUFFER**

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

25. 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) 765-4592 or an Inspector at (867) 767-9188, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.

26. At least 60 days prior to any new land disturbance, including new drill sites, the Permittee shall conduct an Archaeological Overview to identify areas of high and low potential for archaeological and burial sites and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre. **ARCHAEOLOGICAL OVERVIEW**

27. Prior to disturbance in areas of high potential for archaeological or burial sites identified in the Archaeological Overview, the Permittee shall conduct an Archaeological Impact Assessment of the sites where disturbance is planned and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre. **AIA – HIGH POTENTIAL**

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

Intentionally left blank.

28.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	RESPONSIBILITY FOR REMEDICATION COSTS
26(1)(m) Fuel Storage		
29.	The Permittee shall: a) examine all Fuel Storage Containers and Tank for leaks; and b) repair all leaks immediately.	REPAIR LEAKS
30.	The Permittee shall place Fuel Storage Containers and or Tanks a minimum of 100 metres from the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	FUEL STORAGE SETBACK
31.	The Permittee shall set up all refueling points with Secondary Containment.	SECONDARY CONTAINMENT – REFUELING
32.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	FUEL CONTAINMENT
33.	Within ten days of the establishment of any fuel cache, the Permittee shall report the location and quantity of the cache in writing to the Board and an Inspector.	REPORT FUEL LOCATION
34.	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
35.	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
36.	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
37.	The Permittee shall clean up all leaks, spills, and contaminated material immediately	CLEAN UP SPILLS
38.	During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: 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 • E-mail: spills@gov.nt.ca • Online: Spill Reporting and Tracking Database c) within 24 hours, notify the Board and an Inspector; and	REPORT SPILLS

- 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

Intentionally left blank.

26(1)(o) Restoration of the Lands

- | | | |
|-----|---|--------------------------------------|
| 39. | 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 |
| 40. | The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so. | PROGRESSIVE RECLAMATION |
| 41. | The Permittee shall undertake Closure and Reclamation activities as described in the accepted Application. | CLOSURE AND RECLAMATION PLAN |

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

- | | | |
|-----|---|-----------------------|
| 42. | 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

- | | | |
|-----|---|---------------------------|
| 43. | 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. | RESUBMIT PLAN |
| 44. | 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 |
| 45. | All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. | SUMMARY OF CHANGES |

Attachment A: MV2024X0011 - Concordance Table of Items Requiring Submission

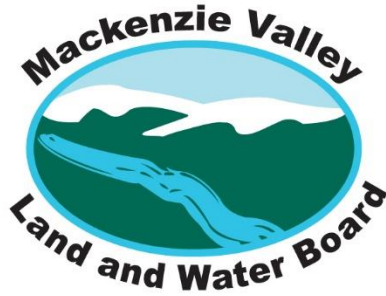
Supplemental information to be submitted by Permittee as required through Land Use Permit Conditions.

Disclaimer: If there are any discrepancies between this table and the body of the Permit, the Permit conditions prevail.

Permit Condition	Report/Plan Title	Timeline for Submission
22	Waste Management Plan	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.
34	Spill Contingency Plan	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.
44	Engagement Plan	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.

Attachment B: MV2024X0011 - Table of Revision History

Date	Location of Change	Change



7th Floor - 4922 48th Street
PO Box 2130, Yellowknife NT X1A 2P6

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Reasons for Decision

Issued pursuant to paragraphs 22(2)(a) and 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR).

Land Use Permit Application	
File Number	MV2024X0011
Company	The City of Yellowknife
Project	Yellowknife Geotechnical Investigations
Location	Yellowknife, NT
Activity	Geotechnical Investigations
Date of Decision	June 20, 2024

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On June 20, 2024 the Mackenzie Valley Land and Water Board (MVLWB or Board) met and considered the Application made by the City of Yellowknife (Applicant) to the Board on April 30, 2024 for Land Use Permit (Permit) MV2024X0011 for a city-wide geotechnical investigations permit (the Project) in Yellowknife, NT. After reviewing the Application and the evidence gathered during the regulatory proceeding, the Board has made the following decisions:

- 1) To issue Land Use Permit MV2024X0011 for a term of five years;
- 2) To approve the following plans:
 - Engagement Plan;
 - Waste Management Plan;
 - Spill Contingency Plan; and
 - Closure and Reclamation Plan.

These Reasons for Decision set out the Board’s regulatory process for the Application and rationale for decisions regarding the Permit. A summary of the Application and the main issues identified during the proceeding is provided in sections [2.0](#) and [3.0](#) below, followed by an outline of the regulatory process for the Application in [section 4.0](#). [Section 5.0](#) describes how the applicable legislative requirements have been met. The Board’s decisions and supporting rationale regarding the Permit are set out in [section 6.0](#).

1.0 List of Defined Terms and Acronyms

Applicant/Permittee	The City of Yellowknife
Application	The complete application package submitted by the Applicant for Land Use Permit MV2024X0011.
CRP	Closure and Reclamation Plan
DFO	Fisheries and Oceans Canada
DIAND	Department of Indigenous Affairs and Northern Development
Distribution List	The list of individuals and organizations to whom materials from this regulatory proceeding were circulated. ¹
EA	Environmental Assessment
ECCC	Environment and Climate Change Canada
GNWT	Government of the Northwest Territories
GNWT-ECC	Government of the Northwest Territories – Environment and Climate Change
IR	Information request
Inspector	An Inspector designated under subsection 84(1) of the Mackenzie Valley Resource Management Act
LWBs	Land and Water Boards of the Mackenzie Valley
MVLUR	Mackenzie Valley Land Use Regulations
MVLWB or Board	Mackenzie Valley Land and Water Board
MVRMA	Mackenzie Valley Resource Management Act

¹ To access the Distribution List, see the LWBs’ Online Review System for [City of Yellowknife Geotechnical Investigations New Type A Land Use Permit Application](#)

Minister	Minister of the Government of the Northwest Territories – Environment and Climate Change
ORS	Online Review System (https://new.onlinereviewssystem.ca/reviews)
Party	As per the LWB Rules of Procedure , an applicant, a person, or an organization participating in this regulatory process.
Permit	Land Use Permit MV2024X0011
Project	Yellowknife Geotechnical Investigations the undertaking as described in Part A of the Permit.
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
Standard Permit Conditions	LWB Standard Land Use Permit Conditions Template
TG	Tłıchǫ Government
WMP	Waste Management Plan

2.0 Summary of Application

The Applicant submitted an application for a new Permit MV2024X0011 (the Application) for Geotechnical Investigations in Yellowknife (the Project).² The Project involves drilling and the use of vehicles and machinery for the purpose of geotechnical and geoenvironmental investigations and groundwater monitoring well installation at various locations within the municipal boundaries, and on the lands surrounding the Fiddler’s Lake Sewage Lagoon. The Applicant requested a five-year Permit.

In making its decision and preparing these Reasons for Decision, the Board has reviewed and considered:

- 1) The Permit Application as submitted by the Applicant for the Project;
- 2) The evidence and submissions received by the Board from the Applicant in relation to the Permit; and
- 3) The comments and recommendations, evidence, and submissions received by the Board from Parties during this regulatory proceeding.

3.0 Regulatory Process

On April 30, 2024 the Applicant submitted the Application. On May 10, 2024 the Application was deemed complete and circulated to the Distribution List for public review on the Online Review System (ORS).³

As part of the public review, Board staff requested comments and recommendations to assist with the Board’s preliminary screening determination. To assist the Board in making its decision on the Permit, Board staff also circulated a draft Permit for review with the Application to allow all Parties the opportunity to comment on the specific wording of the draft conditions.

² See MVLWB Online Registry for [City of YK - Geotechnical Investigations - Permit Application Package - Apr 29 24](#)
³ See MVLWB Online Review System for [City of Yellowknife Geotechnical Investigations New Type A Land Use Permit Application](#)

By May 31, 2024, the Board received comments and recommendations regarding the Application and the draft Permit from the following Parties: Fisheries and Oceans Canada (DFO), GNWT – Environment and Climate Change (ECC) – North Slave Region (Inspector), and GWNT-ECC Analyst.

By the response deadline of June 6, 2024, the Applicant responded to the Parties' comments and recommendations.

On June 20, 2024, the Board met and made its preliminary screening determination for the Project.⁴

On June 20, 2024, the Board met to make decisions regarding the Application. These decisions and related reasons are described in sections [5.0](#) and [6.0](#) below.

4.0 Legislative Requirements Related to Permit Issuance

The Project is subject to the [MVRMA](#) and the [MVLUR](#). As per the [MVLUR](#), the proposed use of land for the Project requires a permit. Accordingly, the Board has jurisdiction to issue the Permit as per subsection 59(1) and section 102 of the [MVRMA](#).

In conducting its regulatory process for the Application (as described in sections [3.0](#) and [4.0](#) above), the Board has ensured that section 62 of the [MVRMA](#) and all applicable legislative requirements have been satisfied as outlined in the subsections below. The Board has considered the people and users of the land and water in the Mackenzie Valley, and any Traditional Knowledge and scientific information that was made available to the Board during the regulatory proceeding, as per section 60.1 of the [MVRMA](#). The consideration of information provided to the Board is discussed in detail below and in section [6.0](#).

4.1 Consultation, Engagement, and Public Notice

As per paragraph 60.1(a) of the [MVRMA](#), in exercising its authority, the Board must consider the importance of conservation to the well-being and way of life of Indigenous peoples of Canada, specifically those to whom section 35 of the *Constitution Act*, 1982, applies and who use an area of the Mackenzie Valley. Accordingly, the Board works with applicants, affected parties (including Indigenous governments and organizations), and other parties (such as other boards and regulators) to ensure that potential impacts of proposed projects, including impacts on rights under section 35, are understood and carefully considered before decisions are made with respect to the issuance of permits and licences.

The Board's requirements for engagement are set out in the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#).⁵ The Policy

⁴ See MVLWB Online Registry for [City of YK - Geotechnical Investigations - Notification - Preliminary Screening Determination - Jun 24 24](#)

⁵ See MVLWB Policies and Guidelines webpage to access the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#).

and Guidelines were developed to ensure that the Board's obligations for achieving meaningful consultation (as set out by land claims and applicable legislation) with all affected parties, including Indigenous groups in the Mackenzie Valley, are met and engagement and consultation results clearly articulated.

the Applicant conducted Engagement in March and April 2024. In accordance with the Policy and Guidelines, the Applicant's engagement efforts and proposed procedures are detailed in the Engagement Record and Plan, respectively,⁶ submitted with the Application. The Board has approved the Applicant's Engagement Plan, and the Board's reasons for this decision are described below in [section 6.3](#). Following issuance, the Applicant must continue engagement efforts as outlined in the Engagement Plan, once approved, and as required in the Permit.

The Application was posted to the Board's Public Registry and distributed through the ORS. As the Project is located in the Akaitcho Region, the appropriate organizations, governments, First Nations, and Indigenous organizations were included in the Distribution List.⁷ The Distribution List was used throughout this proceeding to circulate submissions, information, and updates relevant to the proceeding; the List was updated if needed, and (if requested) individuals with specific interests in the Project were added. More information about the proceeding for the Application is provided above in [section 4.0](#).

In accordance with sections 63 and 64 of the [MVRMA](#), the Board is satisfied that notice of and access to copies of the Application were provided, and that a reasonable amount of time was given to communities, First Nations, and the public to participate in this proceeding and make submissions to the Board.

In accordance with the [Northwest Territory Métis Nation Interim Measures Agreement](#),⁸ the Northwest Territory Métis Nation was notified of the Application through the ORS distribution. The Board did not receive any evidence from the Northwest Territory Métis Nation during the proceeding.

In accordance with the Minister of Indian Affairs and Northern Development's 2004 [Policy Direction to the MVLWB regarding the Akaitcho Territory Dene First Nations](#), the Akaitcho Dene First Nation was notified of the Application through the ORS distribution. The Board did not receive any evidence from the Akaitcho Dene First Nation member nations during the proceeding.

4.2 Eligibility for Land Use Permit

As per section 18 of the MVLUR, eligibility must be determined before the Board can issue a permit. The Applicant is the City of Yellowknife, and the Project is proposed for municipal lands within the city boundaries, and on the area around the Fiddler's Lake Sewage Lagoon, which is commissioners land leased

⁶ See MVLWB Online Registry for [City of YK - Geotechnical Investigations - Engagement Plan - Apr29_24](#)

⁷ To access the Distribution List, see the LWBs' Online Review System for [City of Yellowknife Geotechnical Investigations New Type A Land Use Permit Application](#)

⁸ See MVLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Northwest Territory Métis Nation Interim Measures Agreement](#).

to the city (Lease 105-SK-147). The Applicant demonstrated eligibility as required by subparagraph 18(b) of the [MVLUR](#). No further issues were raised regarding eligibility during this proceeding. Based on the supporting information provided, the Board concludes that the eligibility requirements under section 18 of the MVLUR have been satisfied.

4.3 Land Use Plan Conformity

As per section 61 of the [MVRMA](#), where an approved Land Use Plan applies, the Board must confirm conformity with the Land Use Plan before issuing a permit or licence.

No approved Land Use Plans apply in the Project area.

4.4 Land Use Fees

The Project is located wholly outside of federal areas, so no land-use fees apply.

4.5 Time Limit

As per section 22 of the [MVLUR](#), the Board is required to make its decision on a permit within 42 days of receiving a complete application. The Board met and made its decision on the Permit within 42 days of receiving the complete application.

4.6 Environmental Review (Part 5 of the MVRMA)

4.6.1 Preliminary Screening

On June 20, 2024, the Board met and reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed Project. Based on the evidence, it is the Board's opinion that the proposed Project is not likely to have a significant adverse impact on air, water, and/or renewable resources, and will not be a cause of public concern., as set out in paragraph 125(2)(a) of the MVRMA. The Board has therefore decided not to refer the proposed Project to Environmental Assessment.⁹

In accordance with section 125 of the [MVRMA](#), the Board notified the Review Board of its preliminary screening determination, and in the ten days following the Board's preliminary screening determination notification to the Review Board, the Board did not receive notice of referral to environmental assessment (EA). Subsequently, the Board proceeded with issuing the Permit.

The Board is satisfied that the requirements of Part 5 of the [MVRMA](#) have been met for the Project.

⁹ See MVLWB Online Registry for [City of YK - Geotechnical Investigations - Notification - Preliminary Screening Determination - Jun 24 24](#)

5.0 Decision – Land Use Permit MV2024X0011

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, scope, and intent of the [MVRMA](#), the Board has determined that Permit MV2024X0011 should be issued, subject to the scope, definitions, conditions, and term contained therein. The Board's determinations and reasons for this decision are set out below.

The Permit has been developed to address the Board's statutory responsibilities, to protect the receiving environment, and to address issues within the Board's jurisdiction that were identified and investigated during this regulatory proceeding.

In developing the Permit, the Board considered the LWB [Standard Land Use Permit Conditions Template](#) (Standard Permit Conditions) and included a number of these standard conditions that are relevant to the Project. As noted in [section 4.0](#), Board staff circulated a draft Permit for review to allow Parties to provide specific input to the Board on possible conditions, and the Board considered these review comments and recommendations in making its determination on the Permit conditions.

The Standard Permit Conditions have been established by the LWBs based on information from LWB policies and guidelines, other applicable guidelines and best practices, meetings with Inspectors, input from LWB staff, and feedback from a public review. Each standard condition has been evaluated against the following characteristics of an ideal condition:

- Clearly part of LWBs' authority;
- Has a clear purpose and rationale;
- Is practical and enforceable;
- Matches the scale of the project; and
- Does not conflict with existing legislation (i.e., is not less stringent).

The Standard Permit Conditions include general rationale for each standard condition, and as such, the language of any standard condition included in the Permit is only discussed in detail in the following sections of these Reasons for Decision when it specifically relates to concerns or recommendations raised during the regulatory proceeding. The Board's reasons for developing and including project-specific conditions, including discussion of any concerns and recommendations raised regarding these conditions, are detailed in the relevant sections below.

5.1 Term of Permit

The Applicant has applied for a term of five years for the Permit. Subsection 26(5) of the [MVLUR](#) allows for a Permit term of not more than five years. There were no concerns raised by Parties during the public review regarding the term of the Permit. After reviewing the submissions made during this regulatory proceeding, the Board has determined an appropriate term for the Permit is five years.

5.2 Part A: Scope of Permit

The scope of the Permit ensures the Permittee is entitled to conduct activities which have been applied for and which have been subject to Part 5 of the [MVRMA](#). In setting out the scope of the Permit, the Board endeavoured to provide enough detail to identify and describe the authorized activities, without being unduly restrictive or prescriptive, and to allow for project flexibility, as contemplated in the Application, throughout the life of the Permit.

Based on the activities described in the Permit Application and on the scope outlined in the [Standard Permit Conditions](#), Board staff included a draft scope in the draft Permit that was circulated for public review. The Board did not receive any comments or recommendations regarding the draft scope during the proceeding, so the Board accepted it as the scope of the Permit.

5.3 Part B: Definitions

The Board defined certain terms in the Permit to ensure a common understanding of the conditions, to avoid future differences in interpretation of the Permit, to reflect Project-specific evidence, and to support consistency across licences and permits issued by the LWBs. For the most part, the Board selected applicable definitions relevant to the Project from the [Standard Permit Conditions](#). Where appropriate, the Board created new definitions, or modified standard wording.

5.4 Part C: Conditions Applying to All Activities

The LWB [Waste and Wastewater Management Policy](#) applies to the Permit, and the objectives of the Policy are protection of water quality in the receiving environment, waste prevention/minimization, and minimization of the amount of waste disposed to the receiving environment.¹⁰ The Permit does not authorize any deposit of waste to water; however, in accordance with the Policy and these objectives, the Permit includes many conditions that are, directly or indirectly, intended to meet the objectives of the Policy. The Board is satisfied that the conditions set out in the Permit are consistent with the Policy and compliance with these conditions will ensure that waste will be minimized, managed, and disposed of in a manner that will be protective of the receiving environment. These conditions and detailed rationale are described in the sections below.

The subheadings below correspond to the headings in the conditions section of the Permit, as outlined in subsection 26(1) of the [MVLUR](#).

Part B: Definitions

The GNWT-ECC Inspector recommended the removal of the Shut Down Period from the definition section as the proposed activities may be conducted year around, and therefore does not apply to the project. The Board removed Shut Down Period from the Definition Section of the permit.

¹⁰ See MLWB Policies and Guidelines webpage to access the LWB [Waste and Wastewater Management Policy](#).

26(1)(a) Location and Area

The conditions included in this section are all consistent with the LWB Standard Permit Conditions. No comments or recommendations regarding conditions in this section were received.

26(1)(b) Time

The conditions included in this section are all consistent with the LWB Standard Permit Conditions. No comments or recommendations regarding conditions in this section were received.

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions. No comments or recommendations regarding conditions in this section were received.

26(1)(d) Methods and Techniques

The conditions included in this section are all consistent with the LWB Standard Permit Conditions. No comments or recommendations regarding conditions in this section were received.

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions. No comments or recommendations regarding conditions in this section were received.

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions. No comments or recommendations regarding conditions in this section were received.

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions. No comments or recommendations regarding conditions in this section were received.

26(1)(h) Wildlife and Fish Habitat

The [MVLUR](#) includes provisions related to the protection of wildlife habitat; however, requirements for Wildlife Management and Monitoring Plans (WMMPs) are under the jurisdiction of the GNWT through the *Wildlife Act*. Accordingly, all applicants are directed to contact the GNWT-ECC to determine whether a WMMP, which details mitigations to reduce or eliminate impacts to applicable wildlife and wildlife habitat, is required for the project and should be submitted to the Board with a permit and/or licence application.

The Permit does not include a requirement for a WMMP.

The conditions included in this section are all consistent with the LWB Standard Permit Conditions. No comments or recommendations regarding conditions in this section were received.

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions. No comments or recommendations regarding conditions in this section were received.

WASTE MANAGEMENT PLAN – APPROVED

All applicants must submit detailed waste management information, identifying all types of waste that will be produced by the project (including quantity and quality) and describing the disposal methods that are proposed for each type of waste. For most applicants, this will be in the form of a Waste Management Plan (WMP), developed in accordance with the LWB [Guidelines for Developing a Waste Management Plan](#),¹¹ and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board. The Guidelines can be applied to a wide range of projects and are intended to ensure that all waste management activities are carried out in a way that is consistent with best practices and applicable guidelines to minimize waste released from a project.

Due to the small scale of the Project, in lieu of submitting a stand-alone WMP, the Permittee described the proposed waste management activities in the Application Form. In this case, the Board considered this information equivalent to a WMP. No comments or recommendations regarding conditions in this section were received, and the Board has approved the WMP because it is appropriate for Project activities. The Board has revised the WASTE MANAGEMENT PLAN condition to clarify the requirements to carry out waste management activities as per the accepted Application.

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions. The Draft Permit included ARCHAEOLOGICAL OVERVIEW and AIA-HIGH POTENTIAL conditions, and during the public review, the GNWT-ECC Inspector recommended that these conditions be removed, as all activities are to be conducted within City boundaries on lands that are previously disturbed and/or authorized for development. No other comments or recommendations regarding conditions in this section were received. The Board has decided to retain these conditions, in the event that new lands are disturbed by drilling activities. The Board notes that the approved project area includes undisturbed lands, and future drilling locations have not been confirmed.

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

This section was intentionally left blank, because the Board did not require conditions in this section to satisfy its mandate. The draft Permit proposed the BUFFER/NO ACTIVITY condition, and Board staff

¹¹ See MVLWB Policies and Guidelines webpage to access the LWB [Guidelines for Developing a Waste Management Plan](#).

requested reviewer input to identify any special places within the Project area that might require a buffer zone. During the public review, the GNWT-ECC Inspector recommended that this condition be removed, as all activities are to be conducted within City boundaries on lands that are previously disturbed and/or authorized for development. No other comments or recommendations regarding conditions in this section were received. The Board has accepted GNWT-ECC's recommendation and has removed the condition from the permit.

26(1)(l) Security Deposit

The Board did not include security requirements in the Permit because it is a municipal permit, and the Applicant is a community government. As per section 94 of the [MVRMA](#), territorial and federal governments are not required to post security for permits; although this exemption does not apply to community governments, it has been Board practice to not require security for a permit for municipal projects when the applicant is a community government.

The RESPONSIBILITY FOR REMEDIATION COSTS Condition establishes the Permittee's responsibility for all costs to remediate the Permit area, so the Board is satisfied that the Permittee will be accountable for carrying out closure and reclamation even though a security deposit is not required.

26(1)(m) Fuel Storage

The conditions included in this section are all consistent with the LWB Standard Permit Conditions. No comments or recommendations regarding conditions in this section were received.

SPILL CONTINGENCY PLAN – APPROVED

All applicants must describe spill contingency planning. For most applicants, this will be in the form of a Spill Contingency Plan, developed in accordance with the INAC [Guidelines for Spill Contingency Planning](#),¹² and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board. The Plan is intended to ensure that an action plan for responses to spills and unauthorized discharges has been established to effectively control and clean up spills and unauthorized discharges, with the goal of preventing or limiting damage to the receiving environment.

As required, the Permittee included a Spill Contingency Plan (SCP V.1.0) in the Application.¹³ The Board considered the Plan as part of the Application Package, and its decision on the Plan is set out below.

The Board has approved SCP V.1.0 because it meets the requirements of the Policy and Guidelines and is appropriate for the Project activities. Should Plan revisions be required, they are to be submitted to the Board in accordance with the SPILL CONTINGENCY PLAN and SUMMARY OF CHANGES conditions.

¹² See MVLWB External Policies and Guidelines webpage to access the INAC [Guidelines for Spill Contingency Planning](#).

¹³ See MVLWB Online Registry for [City of YK - Geotechnical Investigations - Spill Contingency Plan - Apr29 24](#)

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

This section was intentionally left blank, because the Board did not require conditions in this section to satisfy its mandate. No comments or recommendations regarding conditions in this section were received.

26(1)(o) Restoration of the Lands

The conditions included in this section are all consistent with the LWB Standard Permit Conditions. No comments or recommendations regarding conditions in this section were received.

CLOSURE AND RECLAMATION PLAN - APPROVED

All applicants must describe closure and reclamation planning. For most applicants, this will be in the form of a Closure and Reclamation Plan (CRP), and permits will include standard conditions regarding compliance with the Plan, as approved by the Board.

Due to the small scale of the Project, in lieu of submitting a stand-alone CRP, the Permittee described the proposed closure and reclamation activities in the Application Form. In this case, the Board considered this information equivalent to a CRP. No comments or recommendations regarding conditions in this section were received, and the Board has approved the CRP because it is appropriate for Project activities. The Board has added the CLOSURE AND RECLAMATION PLAN condition to clarify the requirements to carry out closure and reclamation activities as per the accepted Application.

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions. No comments or recommendations regarding conditions in this section were received.

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions. No comments or recommendations regarding conditions in this section were received.

ENGAGEMENT PLAN

The Board assesses engagement adequacy through the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#), and an Engagement Plan is a standard requirement for land use permits issued by the Board. This Plan is intended to ensure adequate and effective engagement with potentially affected parties has occurred prior to the submission of the Application (in the form of the Engagement Record) and is planned for throughout the life of the Project.

In accordance with the Policy and Guidelines, the Applicant included an Engagement Record and Plan in the Application,¹⁴ and these documents were distributed for public review with the Application. The Board considered the Plan as part of the Application Package.

The Board has approved the Engagement Plan, Version 1.0 because it meets the requirements of the Policy and Guidelines and is appropriate for the Project activities. Should Plan revisions be required, they are to be submitted to the Board in accordance with the ENGAGEMENT PLAN and SUMMARY OF CHANGES conditions.

5.5 Attachment A: Concordance Table of Submissions

Attachment A to the Permit contains a table that summarizes the submissions required by the Permit conditions.

5.6 Attachment B: Revision History Table

Attachment B to the Permit contains a table which identifies updates and tracks changes made to the Permit. This table is currently blank because this is a new permit, but it will be updated throughout the life of the Permit.

6.0 Conclusion

Subject to the scope, definitions, conditions, and term set out in the Permit, and for the reasons expressed herein, the MLWB is of the opinion that the activities and land use associated with the Project can be completed by the City of Yellowknife while providing for the conservation, development, and utilization of waters in a manner that will provide the optimum benefit for all Canadians and in particular for the residents of the Mackenzie Valley.

Land Use Permit MV2024X0011 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 as authorized by the Permit.

SIGNATURE



**Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board**

July 8, 2024

Date

¹⁴ See MLWB Online Registry for [City of YK - Geotechnical Investigations - Engagement Plan - Apr29_24](#)