



# Sahtu Land and Water Board

## Staff Report #2

<b>Applicant:</b> Government of the Northwest Territories Department of Infrastructure	<b>File No.:</b> S20S-002
<b>Location:</b> 12 Mile Creek located 14 km east of Tulita, Northwest Territories	
<b>Subject/Project Name:</b> Type A Land Use Permit Extension Request for– 12 Mile Creek Geotechnical Investigation Project	
<b>Date Prepared:</b> May 13, 2022	<b>Meeting Date:</b> July 5, 2022

### 1. Purpose/Report Summary

The purpose of this Report is to present to the Sahtu Land and Water Board for consideration:

- a) The Land Use Permit (LUP) extension request for S20S-002 as submitted by the Government of Northwest Territories Department of Infrastructure (GNWT-INF or Permittee);
- b) Reviewer Comments;
- c) The Permittee's request for exemption from preliminary screening.

### 2. Background

**February 14, 2020** – Board approves Preliminary Screening, Reasons for Decision, and Permit Term and Conditions

**February 15, 2020** – Staff Report No. 1<sup>1</sup>

**February 25, 2020** – Permit Issued by the Board following 10-day pause period required by subsection 125 of the *Mackenzie Valley Resource Management Act (MVRMA)*

**February 15, 2022** – Board staff email sent to Permittee requesting intent (Attachment 1A).

**February 18, 2022** – Board staff final plan request letter sent to Permittee (Attachment 1B).

**March 29, 2022** – Board staff received the Permittee's extension request prior to the expiry date of the Permit (Attachment 2).

**March 31, 2022** – Permit S20S-002 expiry date

**April 4, 2022** – Extension request posted to Online Review System (ORS).

**April 14, 2022** – Reviewer comments due and received.

**April 21, 2022** – Permittee's response deadline.

**July 5, 2022** - Board Meeting

<sup>1</sup> S20S-002 – [GNWT INF 12 Mile Creek Bridge Geotechnical Assessment LUP Application Staff Report 1](#) – Feb 15\_20

### **3. Project Overview**

The GNWT-INF is planning to replace the water crossing at 12 Mile Creek, located approximately 14 km east of Tulita, Northwest Territories (NT) on the Mackenzie Valley Winter Road (MVWR). Additional investigation is required to characterize subsurface conditions at the existing water crossing to inform the design and construction of future bridge rehabilitation and /or replacement. Details of the Project can be found in the February 15, 2020 Staff Report #1.

The Project will use a track or truck mounted drill to complete several boreholes to collect the samples for analysis. The trigger for the Type A Permit is the use of this drilling equipment and heavy vehicle.

Due to unforeseeable circumstances, the Project was not able to be conducted, but is still required to be completed. The Permittee has therefore requested a two-year extension of this Permit as per subsection (6) of the Mackenzie Valley Land Use Regulations.

The Permittee has indicated that this extension is for a continuation of previously permitted activities with no changes to the scope.

### **4. Regulatory Requirements for Extension**

#### **4.1 Land Use Plan Conformity**

The Sahtu Land Use Plan (SLUP) was adopted by the Sahtu Land Use Planning Board (SLUPB) in April 2013 and came into effect on August 8, 2013. The location of the drilling program falls within Special Management Zone #63, the Deh Cho, or Mackenzie River of the SLUP. This zoning designation provides for the continued use of the corridor for winter road transportation. Staff Report No. 1 described how the Project met conformity requirements of the SLUP. Since there are no changes to the Project scope for this extension, conformity with the SLUP is confirmed.

#### **4.2 Engagement**

The Permittee submitted an updated Engagement Record (Attachment 3) indicating all the Sahtu organizations contacted by email or telephone between March 04 to 09 2022 to inform them of the intent to seek an extension. No comments were received.

#### **4.3 Preliminary Screening**

Under the Preliminary Screening Requirements of section 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA), the Board must conduct a preliminary screening of any proposed development prior to the issuance of a Licence, Permit, or Authorization, unless it is exempt from Part 5 of the MVRMA.

The Permittee requested an exemption from preliminary screening in accordance with the Preliminary Screening Regulations and the exemption list regulations, having confirmed that the Project has not been modified and the extension request covers all the activities currently included in the existing permit S20S-002.

To be exempt from a preliminary screening, a development must meet the requirements outlined in the Exemption List Regulations

**Board staff are of the opinion that this application is exempt from preliminary screening, in accordance with Part 1, Section 2 of Schedule 1 of the Exemption List Regulations** annexed to subsection 143(1) of the *Mackenzie Valley Resource Management Act* (MVRMA), which states:

*A development, or part thereof, for which renewal of a permit, licence or authorization is requested that:*

*a) has not been modified; and*

*b) has fulfilled the requirements of the environmental assessment process established by the Mackenzie Valley Resources Management Act.*

## 5. Public Review

On April 4, 2022, the land use permit extension request was posted to the Online Review System (ORS) for review by Tulita District distribution list members. Reviewer comments were due on April 14, 2022, and GNWT-INF responses to any comments due on April 21, 2022.

Comments were received by GNWT Department of Lands, Sahtu Region after submission deadline indicating no concerns with the two-year extension request. No other comments or recommendations were received. The review comment table and any letters are included in Attachment 4.

## 6. Reasons for Decision and Recommendation

Based on review of all evidence, Board staff are of the opinion that the two-year extension request has not changed in scope and therefore:

- meets the requirements of the Exemption List Regulations to be considered exempt from preliminary screening under the *Mackenzie Valley Resource Management Act*,
- continues to meet the conformity requirements of the Sahtu Land Use Plan,
- has met basic requirements for engagement about this request for extension, and
- the completion of the Project will provide benefits and ongoing safety for local communities and residents of the Mackenzie Valley who use the winter road.

Board staff recommend that the Board:

- 1) Make a motion to **approve** the GNWT-INF request for exemption from preliminary screening
- 2) Make a motion to approve the GNWT-INF extension request for permit S20S-002 for an additional term of two years with a new Permit expiry date of March 31, 2024 (Attachment 5 – new draft Permit Cover page)
- 3) Make a motion to approve the draft Reasons for Decision / Decision Letter for the Permit Extension (Attachment 6)

## 7. Reference Material Attachments

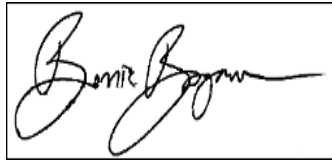
- 10.1 - Staff Correspondence to Permittee
- 10.2 - GNWT-INF Extension Request Letter
- 10.3 - Engagement Record for the Extension
- 10.4 - Review Comment Table
- 10.5 - draft Permit Extension Cover Page
- 10.6 - draft Reasons for Decision /Decision Letter

Respectfully submitted,




Benjamin Roy  
Regulatory Technician

Reviewed by:



Bonnie Bergsma, MSc  
Regulatory Coordinator-  
Specialist

Approved by:



Paul Dixon  
Executive Director

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## Reviewer Comments and Proponent Responses

Project: 12 Mile Creek  
Board: Sahtu Land and Water Board  
Organization: GNWT - INF (Infrastructure)

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
GNWT-Lands - Sahtu Region - Jonathan Gillingham				
1	Permit Extension	The Department of Lands, Sahtu Region, has no issues with the permit extension.	Extend the permit for 2 years.	