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December 21, 2021

File: W2021F0010

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: Wekweètì Winter Road – Notice of Preliminary Screening Determination – Application for Land Use Permit – Construction, Operation, and Maintenance of the Wekweètì Winter Road – Gamètì Winter Road Junction to the Community of Wekweètì, NT**

The Wek'èezhì Land and Water Board (Board) met on December 21, 2021 and considered the Application from the Government of the Northwest Territories – Infrastructure (GNWT-INF) for Land Use Permit (Permit) W2021F0010 for the Wekweètì Winter Road, occurring from the Gamètì Winter Road Junction to the Community of Wekweètì (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 Permit W2021F0010 on January 4, 2022.

The Board and staff look forward to continued communications throughout the pause period. Please contact Ryan Fequet at (867) 765-4589 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mason Mantla', written in a cursive style.

Mason Mantla  
Chair, Wek'èezhii Land and Water Board

BCC'd to: Wek'èezhii Distribution List  
Alexis Campbell, GNWT-INF

Attached: Preliminary Screening Determination and Reasons for Decision



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## Preliminary Screening Determination and Reasons for Decision

Land Use Permit Application	
<b>File Number</b>	W2021F0010
<b>Company</b>	Government of the Northwest Territories – Infrastructure (GNWT-INF)
<b>Project</b>	Wekweètì Winter Road
<b>Location</b>	From the Gamètì Winter Road Junction to the Community of Wekweètì, NT
<b>Activity</b>	Private Construction Roads – Winter Road to Wekweètì
<b>Date of Decision</b>	December 21, 2021

### 1.0 Decision

In accordance with subsection 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA), the Wek'èezhì Land and Water Board (WLWB or Board) met on December 21, 2021 to make a preliminary screening determination on the renewal Application from the Government of the Northwest Territories Infrastructure (GNWT-INF; the Applicant) for Land Use Permit W2021F0010 (Permit),<sup>1</sup> formerly W2014F0003<sup>2</sup>, for the Wekweètì Winter Road, commencing from the Gamètì Winter Road Junction to the Community of Wekweètì (Project).

The Board has determined that some Project activities and areas are exempt from preliminary screening because they were previously screened. The Applicant has proposed new Project activities and areas, however, and the Board has decided not to refer the proposed changes to the Project to the Mackenzie Valley Environmental Impact Review Board (the Review Board) for Environmental Assessment because, based on the evidence, it is the Board's opinion that the proposed changes to the Project will not have a significant adverse impact on the environment or be a cause of public concern.

The Board's determination, including reasons for its decision, are detailed in the sections [3.0](#) and [4.0](#).

<sup>1</sup> See WLWB Online Registry [www.wlwb.ca](http://www.wlwb.ca) for [GNWT-INF - W2021F0010 – Permit Application – Nov 8 21](#).

<sup>2</sup> See WLWB Online Registry for [W2014F0003 - GNWT-DOT - Renewal Application – Oct 29 14](#).

## 2.0 List of Defined Terms and Acronyms

Applicant	Government of the Northwest Territories Department of Infrastructure (GNWT-INF)
Application	The complete application package submitted by the Applicant for Land Use Permit W2021F0010.
Board	Wek'èezhìi Land and Water Board
EA	Environmental Assessment
GNWT	Government of the Northwest Territories
GNWT-ECE-PWNHC	Government of the Northwest Territories – Education, Culture and Employment – Prince of Whales Northern Heritage Centre
GNWT-ENR	Government of the Northwest Territories – Environment and Natural Resources
GNWT-ENR	Government of the Northwest Territories – Environment and Natural Resources
GNWT-ENR-EAM	Government of the Northwest Territories – Environment and Natural Resources – Environmental Assessment and Monitoring
GNWT-INF	Government of the Northwest Territories – Infrastructure
GNWT-Lands	Government of the Northwest Territories – Lands
GNWT-Lands – North Slave Region	Government of the Northwest Territories – Lands – North Slave Region
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
NTPC	Northwest Territories Power Corporation
ORS	Online Review System ( <a href="http://www.new.onlinereviewssystem.ca">www.new.onlinereviewssystem.ca</a> )
Project	Operation and maintenance of the Wekweèti Winter Road, which is the proposed development (as defined in Part 5 of the MVRMA). <sup>3</sup>
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
Standard Permit Conditions	MVLWB <a href="#">Standard Land Use Permit Conditions Template</a>
TG	Tłı̨chq̓ Government
TK	Traditional Knowledge
WMP	Waste Management Plan
WRRB	Wek'èezhìi Renewable Resources Board
YKDFN	Yellowknives Dene First Nation

## 3.0 Background and Scope of Screening

Land use permitting for the annual construction, operation, and maintenance of a winter road from the Gamèti Winter Road Junction to the Community of Wekweèti has occurred since 2002. Permit MV2002F0036 was issued to the GNWT-INF by the Mackenzie Valley Land and Water Board (MVLWB) in

<sup>3</sup> “development” is defined in Part 5 of the MVRMA as:

“any undertaking, or any part or extension of an undertaking, that is carried out on land or water and includes an acquisition of lands pursuant to the *Historic Sites and Monuments Act* and measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* or the establishment of a park under a territorial law.”

2002.<sup>4</sup> The Permit has since been renewed twice by the WLWB, first in 2008 (W2007F0003)<sup>5,6,7</sup> and then in 2014 (W2014F0003).<sup>8,9</sup>

Two preliminary screenings have been completed for the activities associated with the Wekweètì Winter Road. The first was conducted October 22, 2002 following receipt of the first Wekweètì Winter Road Permit Application to the MVLWB (MV2002F0036).<sup>10</sup> The second preliminary screening was conducted October 2, 2009, following an amendment to Permit W2007F0003 to conduct realignment work and improve road safety along four locations of the Wekweètì Winter Road.<sup>11</sup> Additional activities were outlined in the amendment, including the provision of year-round access to conduct realignment work, establish temporary camps, store fuel and equipment, and revise the location and footprint in the Land Use Permit. The findings of these two preliminary screenings indicated that there was no likelihood that the proposed development might have a significant adverse impact on the environment or be cause for public concern.

The Permit Renewal Application submitted in 2014 was determined to be exempt from preliminary screening because the activities and areas outlined in the application were previously screened.

The current Permit Renewal Application (W2021F0010) was received by the WLWB on November 8, 2021, and included the same activities outlined in the previous permits, in addition to requests to include approximately 8.0 km of the 2020 Gamètì Winter Road and increase the annual maximum anticipated fuel use for the entire land use area to 70,000 liters (previously 50,000 liters). The current Application also includes drilling activities. While drilling was included in previous Applications, it was not reflected in the scope of any of the previous Permits, nor the preliminary screenings. Because it is unclear if this activity has been previously screened, the Board has included drilling in the current screening for the entirety of the Project.

The Application includes proposed changes to the Project. Under Part 1, Schedule 1, section 2.1 of the Exemption List Regulations to the MVRMA, project areas and activities that have already been subject to Part 5 of the MVRMA are exempt from preliminary screening. The new Project activities and area require screening by the Board in accordance with subsection 124(1) of the MVRMA.

In accordance with paragraph 125(1)(a) of the MVRMA, the Board must conduct a preliminary screening of the proposed changes to the Project to determine and report to the Review Board whether, in its

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<sup>4</sup> See WLWB Online Registry for [MV2002F0036 Permit – Oct 2 02](#).

<sup>5</sup> See WLWB Online Registry for [W2007F0003 - GNWT DOT - Land Use Permit and Terms and Conditions - Jan 21 08](#)

<sup>6</sup> See WLWB Online Registry for [W2007F0003 - GNWT DOT - Land Use Permit - Issuance Documents - Amendment Application - Oct 2 09](#).

<sup>7</sup> See WLWB Online Registry for [W2007F0003 - GNWT DOT - Land Use Permit - 2 Yr Extension - Jan 21 13](#)

<sup>8</sup> See WLWB Online Registry for [W2014F0003 - GNWT-DOT - Land Use Permit - Dec 19 14](#)

<sup>9</sup> See WLWB Online Registry for [W2014F0003 - GNWT-INF - Land Use Permit - Dec 19 19](#)

<sup>10</sup> See WLWB Online Registry for [MV2002F0036 Permit – Preliminary Screening and RFD – Oct 2 02, pg. 8-15](#).

<sup>11</sup> See WLWB Online Registry for [W2007F0003 - GNWT DOT - Land Use Permit - Preliminary Screening - Amendment Application – Oct 2 09](#).

opinion, the proposed inclusion of 8.0 km of the Gamètì Winter Road, drilling activities, and the increase in annual fuel use for the Project might have a significant adverse impact on the environment, or might be a cause of public concern. The details of the Board's analysis are set out in section [4.0](#) below.

### 3.1 Scope of Screening:

#### Previously Screened or Assessed Activities:

The previous preliminary screenings for this Project included activities associated with the construction, operation, and maintenance of a winter road from the Gamètì Winter Road Junction to the Tłı̄chǫ Community of Wekweètì at coordinates:

2002:

Min. 62° 47' N, 116° 02' W

Max 64° 16' N, 114° 01' W

2009 & 2014:

Min. 63° 14' 38.4" N, 114° 10' 52.3" W

Max 64° 19' 08.9" N, 116° 30' 36 W

2008

Min. 62° 47' N, 114° 11' W

Max 64° 16' N, 116° 02' W

Activities that the Board understands to have been previously considered,<sup>12, 13</sup> and which therefore do not require preliminary screening at this time, are listed below.

- access road
- automobile, aircraft or vessel movement
- blasting
- burning
- camp
- construction
- cut and fill
- cutting of trees or removal of vegetation
- drainage alteration
- excavation
- fuel storage
- linear / corridor
- maintenance
- operation
- planting / seeding
- recontouring
- sewage
- site restoration
- slashing and removal of vegetation
- stream crossing / bridging
- topsoil, overburden or soil (removal and storage)
- waste management (waste generation and disposal of sewage)

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<sup>12</sup> See WLWB Online Registry for [MV2002F0036Permit – Preliminary Screening and RFD – Oct 2; pg. 8-15.](#)

<sup>13</sup> See WLWB Online Registry for [W2007F0003 - GNWT DOT- Preliminary Screening Report - Wekweeti Winter Road – Preliminary Screening and RFD – Oct 2 09.](#)

### New Areas and Activities:

A new addition of approximately 8.0 km of the nearby Gamètì Winter Road have been requested to be included in the Permit.<sup>14</sup>

In the Permit Application, GNWT-INF outlines that the Project will include the use of rock drills and other equipment to develop borrow sites, and use drills for roadway grade improvements, removal of rocks from roadways, geotechnical investigations, etc. During the public review, GNWT-INF also noted that until a borrow or quarry sites are required and/or identified, the only drilling that is anticipated to take place would be for minor roadway improvements for safety of public travel. As discussed above, it is unclear if the drilling equipment and activities outlined in the Permit Renewal Application have been previously screened and are thus included in this screening.

All previous preliminary screenings conducted for this Project have considered fuel storage. The annual amount of fuel stored for this Project has increased over the life of the Project, starting at approximately 4,900 litres in 2002 and 2008, to 50,000 litres in 2014, and finally 70,000 litres in the current renewal Application. The current preliminary screening is considering the proposed maximum storage of 70,000 litres.

### **3.2 Public Record and Regulatory Proceeding**

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Application and a draft Permit for public review on November 17, 2021, inviting reviewers to provide comments and recommendations on the Application and the preliminary screening (e.g., on impacts and mitigation measures) using the Online Review System (ORS). Comments were due December 8, 2021, with responses from the Applicant due December 10, 2021. The Board received comments and recommendations from the Government of the Northwest Territories (GNWT)-Lands North Slave Region, the Wek'èezhii Renewable Resources Board (WRRB), the Yellowknives Dene First Nation (YKDFN), the Northwest Territories Power Corporation (NTPC), GNWT- Environmental Assessment and Monitoring (GNWT-ENR-EAM), and GNWT-Prince of Whales Northern Heritage Centre (GNWT-ECE – PWNHC).<sup>15</sup> Board staff also submitted comments.

Since there were no requests to extend the reviewer comment deadline, the Board is satisfied that a reasonable period of notice was given to affected communities and First Nations, as required by subsection 63(2) of the MVRMA.

The Board is also satisfied that the Tłı̄ch̄q Government (TG) has been consulted in accordance with section 63 of the MVRMA.

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<sup>14</sup> See WLWB Online Registry for [GNWT-INF - Wekweèti Winter Road - LUP Application - Maps - Nov 8 21](#), pg. 1.

<sup>15</sup> See WLWB Online Registry for [See WLWB Online Registry for GNWT-INF - Wekweèti Winter Road - Reviewer Comments and Proponent Responses - Dec 10 2](#)

#### **4.0 Potential Impacts and Proposed Mitigations**

A draft Permit was circulated for review during the regulatory proceeding, and all Parties were given the opportunity to provide comments and recommendations on the draft conditions. In finalizing the conditions, the Board will consider all of the evidence provided through the regulatory proceeding.

Table 1 below summarizes:

- the potential impacts of the proposed changes to the Project;
- the concerns that were identified during the regulatory proceeding and how the Applicant addressed those concerns;
- the proposed and potential mitigations for the potential impacts; and
- the Board's analysis of the potential impacts and proposed mitigations.

**Table 1: Potential Impacts and Proposed Mitigations for the Proposed Changes to the Project**

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board Analysis and Determination
Land – Soil contamination	Spills / leaks resulting from increased annual maximum fuel use to 70,000 liters	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Application:               <ul style="list-style-type: none"> <li>○ A procedure for spills that occur on land, snow, or ice in the Spill Contingency Plan (SCP). This procedure includes activities such as identifying the spilled material, locating, and stopping the spill if possible and if safe to do so, what to do should small or large spills occur, and reporting the spill to the 24-Hour Emergency Spill Report Line.</li> <li>○ The Applicant included a variety of spill-prevention procedures in the SCP involving vehicles and heavy equipment, accessible spill kits, fuel containment, spill prevention training, and notifying the Community of Wekweètì Department of Emergency Services if necessary.</li> <li>○ In response to WLWB Board staff comments 1 and 2 during the public review, the Applicant clarified that although the anticipated fuel volume for the project is increasing, this fuel will be used throughout the entirety of the winter road season and will not increase the actual volume that will be stored on site at one time.</li> </ul> </li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include:               <ul style="list-style-type: none"> <li>○ Clean up Spills</li> <li>○ Clean Work Area</li> <li>○ Drip Trays</li> <li>○ Fuel Cache Secondary Containment</li> <li>○ Fuel Containment</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed increase in annual maximum anticipated fuel use to 70,000 liters will not have a significant adverse impact on the environment or be a cause of public concern.

		<ul style="list-style-type: none"> <li>○ Fuel on Land</li> <li>○ Location of Activities</li> <li>○ Mark Fuel Location</li> <li>○ Maximum Fuel on Site</li> <li>○ Repair Leaks</li> <li>○ Report Spills</li> <li>○ Report Fuel Location</li> <li>○ Seal Outlet</li> <li>○ Waste Management</li> </ul>	
Land – Soil Compaction	Road construction, operation and maintenance associated with inclusion of approximately 8.0 km of Gamètì Winter Road	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> <li>○ Limiting work to previously disturbed areas and limiting the footprint on any new re-alignments, temporary campsites, etc.</li> <li>○ The Applicant also noted that soil compaction will be limited as most of the work is undertaken when snow is present.</li> </ul> </li> <li>• In response to WLWB Board staff comment 7 during the public review, the Applicant stated that the same mitigations for the existing Wekweètì Winter Road will be applied for the 8.0 km addition.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Location of Activities</li> <li>○ Prevention of Rutting</li> <li>○ Suspend Overland Travel</li> <li>○ Width Right-of-Way</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed inclusion of approximately 8.0 km of the Gamètì Winter Road will not have a significant adverse impact on the environment or be a cause of public concern.
Land – Destabilization / Erosion	Road construction, operation and maintenance associated with inclusion of approximately 8.0	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> <li>○ To follow the Department’s Erosion and Sediment Control Manual when applicable.</li> <li>○ The Applicant also noted that erosion is unlikely to occur as part of the construction, operations, and maintenance of the winter</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed inclusion of approximately 8.0 km of the Gamètì Winter Road will not have a significant adverse impact on the environment or be a cause of public concern.

	km of Gamètì Winter Road	<p>road as the work is completed primarily during the winter months.</p> <ul style="list-style-type: none"> <li>• In response to WLWB Board staff comment 7 during the public review, the Applicant stated that the same mitigations for the existing Wekweètì Winter Road will be applied for the 8.0 km addition.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Excavation and Embankments</li> <li>○ Minimize Approach</li> <li>○ Minimize Area Cleared</li> <li>○ Permafrost Protection</li> <li>○ Prevention of Rutting</li> <li>○ Progressive Erosion Control</li> <li>○ Repair Erosion</li> <li>○ Winter Roads</li> </ul> </li> </ul>	
Land – Change in Soil Structure	Drilling – use of rock drills to develop borrow sites, conduct roadway grade improvements, remove rocks from roadways, geotechnical investigations, etc.	<ul style="list-style-type: none"> <li>• The Applicant did not propose mitigations specific to drilling in the Application.</li> <li>• In response to WLWB Board staff comment 3 during the public review, the Applicant stated that until a borrow or quarry site is required and/or identified, the only drilling that is anticipated to take place are minor roadway improvements for safety of public travel, and that any potential impacts and mitigation measures would be limited to the same as the impacts and mitigation measures along the highway alignment.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Drill Locations</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed drilling activities will not have a significant adverse impact on the environment or be a cause of public concern.

		<ul style="list-style-type: none"> <li>○ Use Approved Equipment</li> </ul>	
Groundwater – Water Quality Changes	Spills / leaks resulting from increase in annual maximum anticipated fuel use to 70,000 liters	<ul style="list-style-type: none"> <li>• The Applicant did not propose mitigations in the Application and stated that no impacts to groundwater are anticipated during the construction, operation, and maintenance of the winter road.</li> <li>• In response to WLWB Board staff comments 1 and 2 during the public review, the Applicant clarified that although the anticipated fuel volume for the project is increasing, this fuel will be used throughout the entirety of the winter road season and will not increase the actual volume that will be stored on site at one time.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Clean up Spills</li> <li>○ Drip Trays</li> <li>○ Fuel Cache Secondary Containment</li> <li>○ Fuel Containment</li> <li>○ Fuel on Land</li> <li>○ Mark Fuel Locations</li> <li>○ Maximum Fuel on Site</li> <li>○ Repair Leaks</li> <li>○ Report Fuel Location</li> <li>○ Report Spills</li> <li>○ Seal Outlet</li> <li>○ Secondary Containment – Refueling</li> <li>○ Spill Contingency Plan</li> <li>○ Spill Response</li> <li>○ Storage on Ice</li> <li>○ Waste Management</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed increase in annual maximum anticipated fuel use to 70,000 liters will not have a significant adverse impact on the environment or be a cause of public concern.

Groundwater – Water Quality Changes	Drilling – use of rock drills to develop borrow sites, for roadway grade improvements, removal of rocks from roadways, geotechnical investigations, etc.	<ul style="list-style-type: none"> <li>• The Applicant did not propose mitigations in the Application and stated that no impacts to groundwater are anticipated during the construction, operation, and maintenance of the winter road.</li> <li>• In response to WLWB Board staff comment 3 during the public review, the Applicant stated that until a borrow or quarry site is required and/or identified, the only drilling that is anticipated to take place are minor roadway improvements for safety of public travel, and that any potential impacts and mitigation measures would be limited to the same as the impacts and mitigation measures along the highway alignment.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Drilling Waste Containment</li> <li>○ Drilling Waste Disposal</li> <li>○ Use Approved Equipment</li> <li>○ Waste Chemical Disposal</li> <li>○ Waste Management</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed drilling activities will not have a significant adverse impact on the environment or be a cause of public concern.
Surface Water – Water Quality Changes	Spills / leaks resulting from increase in annual maximum anticipated fuel use to 70,000 liters	<ul style="list-style-type: none"> <li>• The Applicant stated that no impacts to surface water are anticipated during the Project as work is completed primarily during the winter months. The Applicant’s SCP also includes a section specific to spills on water which includes: <ul style="list-style-type: none"> <li>○ activities such as identifying the spilled material, locating, and stopping the spill if possible and if safe to do so, what to do should small or large spills occur, and reporting the spill to the 24-Hour Emergency Spill Report Line.</li> <li>○ The Applicant included a variety of spill-prevention procedures in the SCP involving vehicles and heavy equipment, accessible spill kits, fuel containment, spill prevention training, and</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed increase in annual maximum anticipated fuel use to 70,000 liters will not have a significant adverse impact on the environment or be a cause of public concern.

		<p>notifying the Community of Wekweètì Department of Emergency Services if necessary.</p> <ul style="list-style-type: none"> <li>• In response to WLWB Board staff comments 1 and 2 during the public review, the Applicant clarified that although the anticipated fuel volume for the project is increasing, this fuel will be used throughout the entirety of the winter road season and will not increase the actual volume that will be stored on site at one time.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Clean up Spills</li> <li>○ Construct Ice Bridges / Snowfills</li> <li>○ Drip Trays</li> <li>○ Fuel Cache Secondary Containment</li> <li>○ Fuel Containment</li> <li>○ Fuel on Land</li> <li>○ Mark Fuel Locations</li> <li>○ Maximum Fuel on Site</li> <li>○ Repair Leaks</li> <li>○ Report Fuel Location</li> <li>○ Report Spills</li> <li>○ Seal Outlet</li> <li>○ Secondary Containment – Refueling</li> <li>○ Spill Contingency Plan</li> <li>○ Spill Response</li> <li>○ Storage on Ice</li> <li>○ Waste Management</li> <li>○ Waste Petroleum Disposal</li> <li>○ Waste Management</li> </ul> </li> </ul>	
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Surface Water – Water Quality Changes	Drilling – use of rock drills to develop borrow sites, for roadway grade improvements, removal of rocks from roadways, geotechnical investigations, etc.	<ul style="list-style-type: none"> <li>• The Applicant did not propose mitigations for surface water quality in the Application and stated that no impacts to surface water are anticipated during the Project as work is completed primarily during the winter months.</li> <li>• In response to WLWB Board staff comment 3 during the public review, the Applicant stated that until a borrow or quarry site is required and/or identified, the only drilling that is anticipated to take place are minor roadway improvements for safety of public travel, and that any potential impacts and mitigation measures would be limited to the same as the impacts and mitigation measures along the highway alignment.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Drilling / Adit Setback</li> <li>○ Drilling Near Water or on Ice</li> <li>○ Drilling Waste</li> <li>○ Drilling Waste Containment</li> <li>○ Drilling Waste Disposal</li> <li>○ Use Approved Equipment</li> <li>○ Waste Management</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed drilling activities will not have a significant adverse impact on the environment or be a cause of public concern.
Surface Water – Water Quality Changes	Road construction, operation and maintenance associated with inclusion of approximately 8.0 km of Gamètì Winter Road	<ul style="list-style-type: none"> <li>• The Applicant stated that no impacts to surface water are anticipated during the Project as work is completed primarily during the winter months.</li> <li>• In response to WLWB Board staff comment 7 during the public review, the Applicant stated that the same mitigations for the existing Wekweètì Winter Road will be applied for the 8.0 km addition.</li> <li>• The Board has standard permit conditions that are typically used to</li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed road construction, operation, and maintenance activities associated with approximately 8.0 km of the Gamètì Winter Road will not have a significant adverse impact on the environment or be a cause of public concern.

		<p>mitigate the described impacts. These standard conditions include:</p> <ul style="list-style-type: none"> <li>○ Clean up Spills</li> <li>○ Construct Ice Bridges / Snowfills</li> <li>○ Drip Trays</li> <li>○ Fuel Containment</li> <li>○ Fuel on Land</li> <li>○ Location of Activities</li> <li>○ Parallel Roads</li> <li>○ Progressive Reclamation</li> <li>○ Report Spills</li> <li>○ Spill Contingency Plan</li> <li>○ Spill Response</li> <li>○ Storage on Ice</li> <li>○ Width Right-of-Way</li> </ul> <p>• The following non-standard condition was included in previous Permits to mitigate the described impact and was included in the draft Permit distributed for review:</p> <ul style="list-style-type: none"> <li>○ Detours</li> </ul>	
Surface Water – Natural Drainage	Construction, operation, and maintenance associated with inclusion of approximately 8.0 km of Gamètì Winter Road	<ul style="list-style-type: none"> <li>• The Applicant did not propose mitigations for drainage pattern changes in the Application and stated that no impacts to surface water are anticipated during the Project as work is completed primarily during the winter months.</li> <li>• In response to WLWB Board staff comment 7 during the public review, the Applicant stated that the same mitigations for the existing Wekweètì Winter Road will be applied for the 8.0 km addition.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Culvert Size</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed road construction, operation, and maintenance activities associated with approximately 8.0 km of the Gamètì Winter Road will not have a significant adverse impact on the environment or be a cause of public concern.

		<ul style="list-style-type: none"> <li>○ Natural Drainage</li> <li>○ Remove Ice Bridges / Snowfills</li> </ul>	
Surface Water – Aquatic Habitat	Spills / leaks resulting from increase in annual maximum anticipated fuel use to 70,000 liters	<ul style="list-style-type: none"> <li>• The Applicant did not propose mitigations for changes to aquatic habitat in the Application and stated that no impacts to surface water are anticipated during the Project as work is completed primarily during the winter months.</li> <li>• In response to WLWB Board staff comments 1 and 2 during the public review, the Applicant clarified that although the anticipated fuel volume for the project is increasing, this fuel will be used throughout the entirety of the winter road season and will not increase the actual volume that will be stored on site at one time.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Clean Up Spills</li> <li>○ Drip Trays</li> <li>○ Final Cleanup and Restoration</li> <li>○ Fuel Cache Secondary Containment</li> <li>○ Fuel Containment</li> <li>○ Fuel on Land</li> <li>○ Fuel Storage Setback</li> <li>○ Habitat Damage</li> <li>○ Repair Leaks</li> <li>○ Report Spills</li> <li>○ Seal Outlet</li> <li>○ Secondary Containment – Refueling</li> <li>○ Spill Contingency Plan</li> <li>○ Spill Response</li> <li>○ Storage on Ice</li> <li>○ Waste Management</li> <li>○ Waste Petroleum Disposal</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed increase in annual maximum anticipated fuel use to 70,000 liters will not have a significant adverse impact on the environment or be a cause of public concern.

		<ul style="list-style-type: none"> <li>○ Waste Management</li> </ul>	
Surface Water – Aquatic Habitat	Drilling – use of rock drills to develop borrow sites, for roadway grade improvements, removal of rocks from roadways, geotechnical investigations, etc.	<ul style="list-style-type: none"> <li>• The Applicant did not propose mitigations for changes to aquatic habitat in the Application and stated that no impacts to surface water are anticipated during the Project as work is completed primarily during the winter months.</li> <li>• In response to WLWB Board staff comment 3 during the public review, the Applicant stated that until a borrow or quarry site is required and/or identified, the only drilling that is anticipated to take place are minor roadway improvements for safety of public travel, and that any potential impacts and mitigation measures would be limited to the same as the impacts and mitigation measures along the highway alignment.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Drilling / Adit Setback</li> <li>○ Drilling Locations</li> <li>○ Drilling Near Water or on Ice</li> <li>○ Drilling Waste</li> <li>○ Drilling Waste Containment</li> <li>○ Drilling Waste Disposal</li> <li>○ Habitat Damage</li> <li>○ Waste Management</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed drilling activities will not have a significant adverse impact on the environment or be a cause of public concern.
Surface Water – Aquatic Habitat	Road construction, operation and maintenance associated with inclusion of approximately 8.0 km of Gamètì Winter Road	<ul style="list-style-type: none"> <li>• The Applicant did not propose mitigations for changes to aquatic habitat in the Application and stated that no impacts to surface water are anticipated during the Project as work is completed primarily during the winter months.</li> <li>• In response to WLWB Board staff comment 7 during the public review, the Applicant stated that the same mitigations for the existing</li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed road construction, operation, and maintenance activities associated with approximately 8.0 km of the Gamètì Winter Road will not have a significant adverse impact on the environment or be a cause of public concern.

		<p>Wekweèti Winter Road will be applied for the 8.0 km addition.</p> <ul style="list-style-type: none"> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Parallel Roads</li> <li>○ Width-Right-of-Way</li> <li>○ Progressive Erosion Control</li> <li>○ Repair Erosion</li> <li>○ Construct Ice Bridges / Snowfills</li> <li>○ Remove Ice Bridges / Snowfills</li> <li>○ Minimize Approach</li> <li>○ Excavation and Embankments</li> <li>○ Reclaim Non-Oil and Gas Sumps</li> <li>○ Habitat Damage</li> <li>○ Progressive Reclamation</li> </ul> </li> </ul>	
<p>Biotic Components – Direct Loss of Vegetation</p>	<p>Drilling– use of rock drills to develop borrow sites, for roadway grade improvements, removal of rocks from roadways, geotechnical investigations, etc.</p>	<ul style="list-style-type: none"> <li>• The Applicant noted that minimal loss of vegetation is anticipated as most of the Project work is completed in the winter months. The Applicant also proposed the following general mitigations in the Application: <ul style="list-style-type: none"> <li>○ Only clearing the required amount of land</li> <li>○ Minimizing the amount of vegetation cleared</li> <li>○ Allowing disturbed sites to re-vegetate naturally</li> </ul> </li> <li>• In response to WLWB Board staff comment 3 during the public review, the Applicant stated that until a borrow or quarry site is required and/or identified, the only drilling that is anticipated to take place are minor roadway improvements for safety of public travel, and that any potential impacts and mitigation measures would be limited to the same as the impacts and mitigation measures along the highway alignment.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include:</li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed drilling activities will not have a significant adverse impact on the environment or be a cause of public concern.</p>

		<ul style="list-style-type: none"> <li>○ Drill Locations</li> </ul>	
Biotic Components – Direct Loss of Vegetation	Road construction, operation and maintenance associated with inclusion of approximately 8.0 km of Gamètì Winter Road	<ul style="list-style-type: none"> <li>• The Applicant noted that minimal loss of vegetation is anticipated as most of the Project work is completed in the winter months. The Applicant also proposed the following mitigations in the Application: <ul style="list-style-type: none"> <li>○ Only clearing the required amount of land</li> <li>○ minimizing the amount of vegetation cleared</li> <li>○ Allowing disturbed sites to re-vegetate naturally</li> </ul> </li> <li>• In response to WLWB Board staff comment 7 during the public review, the Applicant stated that the same mitigations for the existing Wekweètì Winter Road will be applied for the 8.0 km addition.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Location of Activities</li> <li>○ Parallel Roads</li> <li>○ Width-Right-of-Way</li> <li>○ Winter Roads</li> <li>○ Prevention of Rutting</li> <li>○ Suspend Overland Travel</li> <li>○ Vehicle Movement Freeze-Up</li> <li>○ Habitat Damage</li> <li>○ Minimize Area Cleared</li> </ul> </li> <li>• The following non-standard condition was included in previous Permits to mitigate the described impact and was included in the draft Permit distributed for review: <ul style="list-style-type: none"> <li>○ Detours</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed road construction, operation, and maintenance activities associated with approximately 8.0 km of the Gamètì Winter Road will not have a significant adverse impact on the environment or be a cause of public concern.
Terrestrial Wildlife Habitat – Disturbances to key lifecycle	Drilling (summer months) – use of rock drills to develop borrow sites, for	<ul style="list-style-type: none"> <li>• The Applicant did not propose any mitigations for disturbance to key lifecycle stages and noted that impacts to wildlife are limited as work associated with the winter road is primarily limited to winter months.</li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed drilling activities will not have a significant adverse impact on the environment or be a cause of

<p>stages: breeding, feeding, nesting, staging</p>	<p>roadway grade improvements, removal of rocks from roadways, geotechnical investigations, etc.</p>	<ul style="list-style-type: none"> <li>• In response to WLWB Board staff comment 3 during the public review, the Applicant stated that until a borrow or quarry site is required and/or identified, the only drilling that is anticipated to take place are minor roadway improvements for safety of public travel, and that any potential impacts and mitigation measures would be limited to the same as the impacts and mitigation measures along the highway alignment.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Habitat Damage</li> <li>○ Migratory Bird Nest Disturbance</li> </ul> </li> <li>• The following non-standard condition is also used to mitigate the described impacts: <ul style="list-style-type: none"> <li>○ Caribou Disturbance</li> </ul> </li> </ul>	<p>public concern.</p>
<p>Terrestrial Wildlife Habitat – Effects on population abundance</p>	<p>Drilling (noise) – use of rock drills to develop borrow sites, for roadway grade improvements, removal of rocks from roadways, geotechnical investigations, etc.</p>	<ul style="list-style-type: none"> <li>• The Applicant did not propose any mitigations for effects on population abundance and noted that impacts to wildlife are limited as work associated with the winter road is primarily limited to winter months.</li> <li>• In response to WLWB Board staff comment 3 during the public review, the Applicant stated that until a borrow or quarry site is required and/or identified, the only drilling that is anticipated to take place are minor roadway improvements for safety of public travel, and that any potential impacts and mitigation measures would be limited to the same as the impacts and mitigation measures along the highway alignment.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Migratory Bird Nest Disturbance</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed drilling activities will not have a significant adverse impact on the environment or be a cause of public concern.</p>

		<ul style="list-style-type: none"> <li>• The following non-standard condition is also used to mitigate the described impacts: <ul style="list-style-type: none"> <li>○ Caribou Disturbance</li> </ul> </li> </ul>	
<p>Terrestrial Wildlife Habitat – Effects on wildlife health (toxins, metals, etc.)</p>	<p>Spills / leaks resulting from increase in annual maximum anticipated fuel use to 70,000 liters</p>	<ul style="list-style-type: none"> <li>• The Applicant did not propose any mitigations for effects on wildlife health and noted that impacts to wildlife are limited as work associated with the winter road is primarily limited to winter months.</li> <li>• In response to WLWB Board staff comments 1 and 2 during the public review, the Applicant clarified that although the anticipated fuel volume for the project is increasing, this fuel will be used throughout the entirety of the winter road season and will not increase the actual volume that will be stored on site at one time.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Clean Up Spills</li> <li>○ Dip Trays</li> <li>○ Fuel Cache Secondary Containment</li> <li>○ Fuel Containment</li> <li>○ Fuel Storage Setback</li> <li>○ Habitat Damage</li> <li>○ Maximum Fuel on Site</li> <li>○ Repair Leaks</li> <li>○ Report Spills</li> <li>○ Seal Outlet</li> <li>○ Secondary Containment – Refueling</li> <li>○ Spill Contingency Plan</li> <li>○ Spill Response</li> <li>○ Storage on Ice</li> <li>○ Waste Management</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed increase in annual maximum anticipated fuel use to 70,000 liters will not have a significant adverse impact on the environment or be a cause of public concern.</p>

		<ul style="list-style-type: none"> <li>○ Waste Petroleum Disposal</li> </ul>	
<p>Terrestrial Wildlife Habitat – Change to migratory movement patterns</p>	<p>Drilling – use of rock drills to develop borrow sites, for roadway grade improvements, removal of rocks from roadways, geotechnical investigations, etc.</p>	<ul style="list-style-type: none"> <li>• The Applicant did not propose any mitigations for changes to migratory movement patterns and noted that impacts to wildlife are limited as work associated with the winter road is primarily limited to winter months.</li> <li>• In response to WLWB Board staff comment 3 during the public review, the Applicant stated that until a borrow or quarry site is required and/or identified, the only drilling that is anticipated to take place are minor roadway improvements for safety of public travel, and that any potential impacts and mitigation measures would be limited to the same as the impacts and mitigation measures along the highway alignment.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Migratory Bird Nest Disturbance</li> </ul> </li> <li>• The following non-standard condition is also used to mitigate the described impacts: <ul style="list-style-type: none"> <li>○ Caribou Disturbance</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed drilling activities will not have a significant adverse impact on the environment or be a cause of public concern.</p>
<p>Terrestrial Wildlife Habitat – Human-Wildlife Conflicts</p>	<p>Road construction, operation and maintenance associated with inclusion of approximately 8.0 km of Gamètì Winter Road</p>	<ul style="list-style-type: none"> <li>• The Applicant noted that there is a possibility that human-wildlife conflicts could occur during the activities associated with the Project. The mitigations provided in the application included: <ul style="list-style-type: none"> <li>○ Management of wastes to avoid attracting wildlife</li> <li>○ Recording any conflicts with wildlife that result in injury or death and discussing any additional actions with GNWT-ENR.</li> </ul> </li> <li>• In response to WLWB Board staff comment 7 during the public review, the Applicant stated that the same mitigations for the existing Wekweètì Winter Road will be applied for the 8.0 km addition.</li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed road construction, operation, and maintenance activities associated with approximately 8.0 km of the Gamètì Winter Road will not have a significant adverse impact on the environment or be a cause of public concern.</p>

		<ul style="list-style-type: none"> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Remove Garbage</li> <li>○ Garbage Container</li> <li>○ Migratory Bird Nest Disturbance</li> <li>○ Waste Management</li> </ul> </li> <li>• The following non-standard condition is also used to mitigate the described impacts: <ul style="list-style-type: none"> <li>○ Caribou Disturbance</li> </ul> </li> </ul>	
Aquatic Habitat – Effects on Health (toxins, metals, sediment, etc)	Spills / leaks resulting from increase in annual maximum anticipated fuel use to 70,000 liters	<ul style="list-style-type: none"> <li>• The Applicant did not propose any mitigations specific to effects on aquatic habitat health and noted that no impacts to the aquatic habitat are anticipated as the construction, operations and maintenance of the road will take place primarily during the winter months. The Applicant did note that they will however follow the department’s erosion and sediment control plan where applicable to protect aquatic habitat.</li> <li>• In response to WLWB Board staff comments 1 and 2 during the public review, the Applicant clarified that although the anticipated fuel volume for the project is increasing, this fuel will be used throughout the entirety of the winter road season and will not increase the actual volume that will be stored on site at one time.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Clean Up Spills</li> <li>○ Drip Trays</li> <li>○ Final Cleanup and Restoration</li> <li>○ Fuel Cache Secondary Containment</li> <li>○ Fuel Containment</li> <li>○ Fuel on Land</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed increase in annual maximum anticipated fuel use to 70,000 liters will not have a significant adverse impact on the environment or be a cause of public concern.

		<ul style="list-style-type: none"> <li>○ Fuel Storage Setback</li> <li>○ Habitat Damage</li> <li>○ Maximum Fuel on Site</li> <li>○ Repair Leaks</li> <li>○ Report Spills</li> <li>○ Seal Outlet</li> <li>○ Secondary Containment – Refueling</li> <li>○ Spill Contingency Plan</li> <li>○ Spill Response</li> <li>○ Storage on Ice</li> <li>○ Waste Management</li> <li>○ Waste Petroleum Disposal</li> <li>○ Waste Management</li> </ul>	
Social and Economic Well-being – Increased Human Health Hazard and Risk	Spills / leaks resulting from increase in annual maximum anticipated fuel use to 70,000 liters	<ul style="list-style-type: none"> <li>• The Applicant did not propose any mitigations specific to increased human health hazard and risk, and that generally, no potential negative impacts to Social and Economic Well-being are anticipated. The Applicant also noted in the SCP that in the unlikely event of a large spill that might affect public safety, The Community of Wekweètì Department of Emergency Services will be notified.</li> <li>• In response to WLWB Board staff comments 1 and 2 during the public review, the Applicant clarified that although the anticipated fuel volume for the project is increasing, this fuel will be used throughout the entirety of the winter road season and will not increase the actual volume that will be stored on site at one time.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the described impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ Private Property Setback</li> <li>○ Maximum Fuel on Site</li> <li>○ Spill Contingency Plan</li> <li>○ Waste Management</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed increase in annual maximum anticipated fuel use to 70,000 liters will not have a significant adverse impact on the environment or be a cause of public concern.

#### **4.1 Consideration of Potential Impacts**

Based on the potential impacts and proposed mitigations identified above in Table 1, the Board considered whether the inclusion of 8.0 km of the Gamètì Winter Road, drilling activities, and the increase in annual fuel use for the Project might have a significant adverse impact on the environment. In general, impacts of the changes to the Project on the environment can be mitigated through the use of permit conditions of two general types:

1. conditions in the existing Permit, including requirements for management and monitoring plans, with revisions where necessary; and
2. new or unique conditions that may be needed to mitigate potential impacts of the changes to the Project that may not be addressed by the conditions in the existing Permit, and which may be from the Board's standard conditions list or established by the Board as per the MVLWB [\*Standard Process for Creating New Conditions\*](#).

These conditions may include requirements for management and monitoring plans that provide detailed information regarding the implementation of mitigation measures and the evaluation of their effectiveness.

A draft Permit was circulated for review during the regulatory proceeding, and all Parties were given the opportunity to provide comments and recommendations on the draft conditions. In finalizing the conditions, the Board will consider all of the evidence provided through the regulatory proceeding.

#### **4.2 Consideration of Public Concern**

In addition to considering the potential impacts of the inclusion of 8.0 km of the Gamètì Winter Road, drilling activities, and the increase in annual fuel use for the Project, the Board considered whether these Project changes might be a cause of public concern.

Based on the evidence provided during the regulatory proceeding, the Board did not identify any comments or issues that indicate that the Project is a cause of public concern.

#### **5.0 Conclusion**

The Board completed preliminary screenings of the Project on October 22, 2002, and October 2, 2009,<sup>16,17</sup> however, the Application includes proposed changes to the Project. Accordingly, the Board has determined that Project activities that have already been subject to Part 5 of the MVRMA are exempt from preliminary screening under Part 1, Schedule 1, section 2.1 of the Exemption List Regulations to the MVRMA. The Board has conducted a preliminary screening of the proposed changes to the Project.

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<sup>16</sup> See WLWB Online Registry for [MV2002F0036 Permit – Preliminary Screening and RFD – Oct 2 02, pg. 8-15](#).

<sup>17</sup> See WLWB Online Registry for [W2007F0003 - GNWT DOT - Land Use Permit - Preliminary Screening - Amendment Application – Oct 2 09](#).

The Board has reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed changes to the Project. Based on the evidence, it is the Board's opinion that the proposed changes to the Project will not have a significant adverse impact on the environment or be a cause of public concern, as set out in paragraph 125(1)(a) of the MVRMA. The Board has therefore decided not to refer the proposed inclusion of 8.0 km of the Gamètì Winter Road, drilling activities, and the increase in annual fuel use included in the Project to Environmental Assessment. If the Board does not receive a notice of referral to environmental assessment by December 31, 2021, the Board can issue the Permit on January 4, 2022.



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**Mason Mantla, Chair**  
**Wek'èezhìi Land and Water Board**

December 21, 2021

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**Date**